

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
May 16, 1994

Meeting convenes at 10:00 a.m., Monday, May 16, 1994, in the fourth floor conference room.

Public Participation

10:30 a.m.

1. Approve Agenda.
2. Election of Officers - 94-95.
3. Approve Meeting Minutes of April 18, 1994.
4. Director's Report. (Wilson) Information.
5. Monthly Financial Status Report. (Kuhn) Information.
6. 1993 Capacity Assurance Plan - Phase I. (Hay) Information.
7. Monthly Reports. (Stokes) Information.
8. Air Quality Permit Fees Analysis. (Stokes) Information.
9. Proposed Rule--Chapter 23, Open Burning. (Stokes) Information.
10. Notice of Intended Action--Chapter 20, 21, 22, and 23, Air Quality Rule Update. (Stokes) Decision.
11. State Revolving Fund - Intended Use Plan, FY94. (Stokes) Decision.
12. Referrals to the Attorney General. (Stokes) Decision.
 - a) Giese Construction Company (TABLED)
 - b) City of Carter Lake
13. General Discussion.
14. Address Items for Next Meeting.

NEXT MEETINGS:

June 20, 1994
July 18, 1994

ENVIRONMENTAL PROTECTION COMMISSION

Monday, May 16, 1994

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Amy Christensen Couch	Sullivan & Ward	Des Moines
VERN MATHENY	CENTRAL IOWA POWER COOPERATIVE	CEDAR RAPIDS
Perry Beeman	Dm Register	DM
DAN VEST	GROWMARK, INC	Bloomington, IL
JACK SOENER	ABI	DM
Tom Albertson	Iowa-Illinois Gas and Electric Co	Davenport
Chris Gault	Farm Bureau	WDSM
Theresa Kehoe	IOWA Senate	DSM
May Braun	House Democratic Staff	DSM
Tom Seem	A. P.	DM
Red Bult	CR Gzthe	DM
Vernon Rettig	DD # 25	POLK CO.
RON FRIEDRICKSON	DD # 25	POLK CO.
GERALD REEVES	DD # 25	POLK CO.
Harry Kimberly	DD # 25	POLK CO.
Jane McAllister	Ahlens Law Firm	DSM
Rick Kelley	UHL	Des Moines / Iowa City
Tack Clark	Iowa Utility Assoc	Des Moines
Linda Kading	Iowa Assoc. of Muni. Utilities	Des Moines

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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

MAY 16, 1994

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

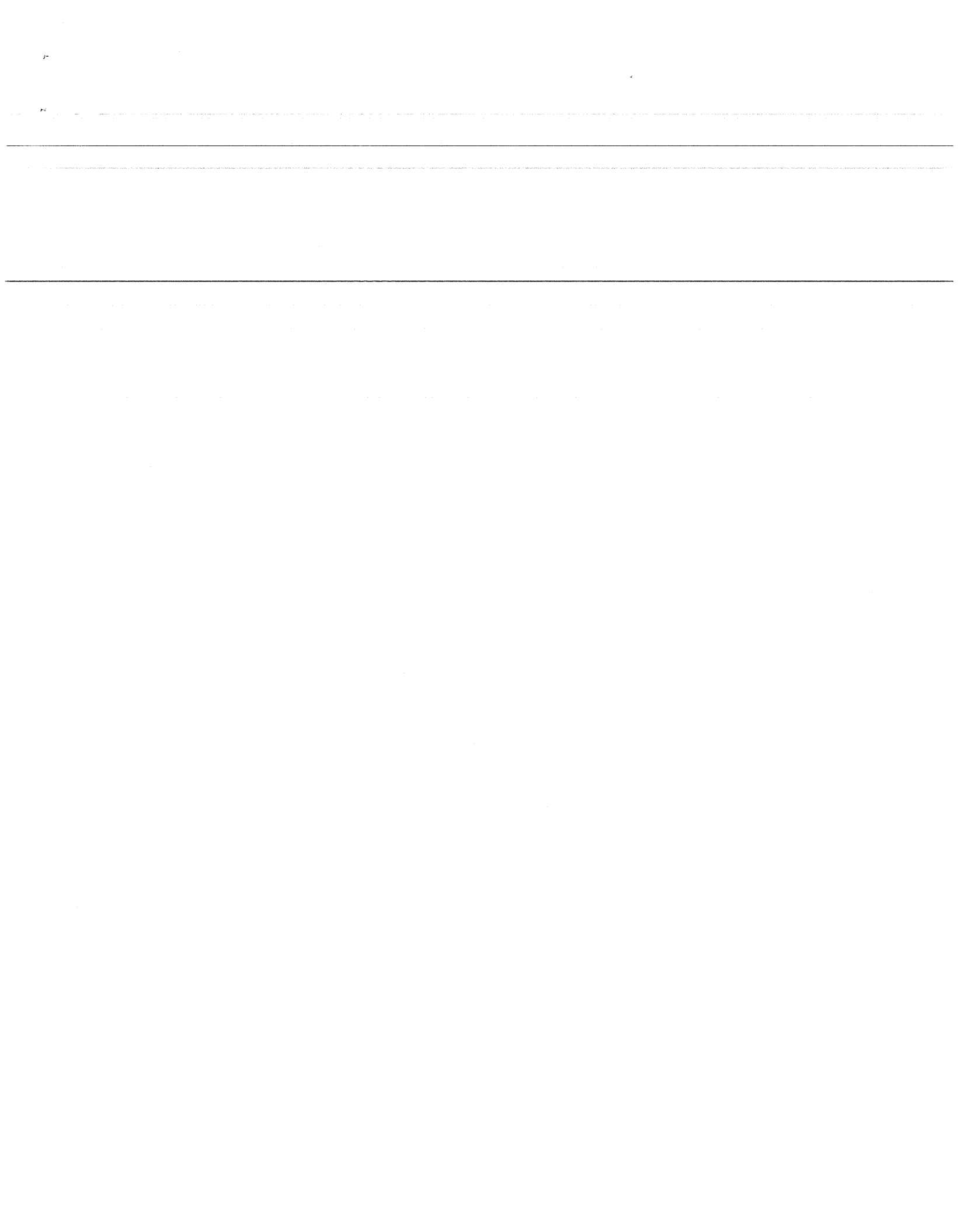


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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, May 16, 1994, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
William Ehm
Richard Hartsuck, Chairperson
Rozanne King
Charlotte Mohr
Kathryn Murphy (arrived at 10:00 a.m.)
Gary Priebe
Nancylee Siebenmann, Secretary
Clark Yeager, Vice-Chairperson (arrived at 10:15 a.m.)

ADOPTION OF AGENDA

Motion was made by William Ehm to approve the agenda as presented. Seconded by Nancylee Siebenmann. Motion carried unanimously.

APPROVED AS PRESENTED

ELECTION OF OFFICERS

Chairperson Hartsuck stated that he would accept nominations for chairperson.

Charlotte Mohr nominated Nancylee Siebenmann as chairperson.

Verlon Britt nominated William Ehm as chairperson.

Rozanne King asked if the vote could be taken by using a written ballot.

Chairperson Hartsuck stated that since it is an open meeting he would be uncomfortable with a written ballot.

Director Wilson discouraged the use of a secret ballot.

Voice vote was cast using a roll call vote. Commissioners King, Mohr, Siebenmann, and Priebe cast a vote for Nancy Lee Siebenmann, and Commissioners Britt, Ehm, and Hartsuck cast a vote for William Ehm. Since the vote lacked of a majority of the Commission for either nominee, consensus was to suspend election of officers until the remaining Commissioners arrive.

DELAYED

APPROVAL OF MINUTES

Motion was made by Rozanne King to approve the meeting minutes of April 18, 1994, as presented. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, reported that the Administrative Rules Review Committee approved the protected streams rules last week.

Director Wilson informed the Commission that the Schachtner tract was approved for land acquisition last week by the Natural Resource Commission. He related that the 80-acre tract is just below Shimon Marsh and this will take care of the problem with the related flooding. The Schmitz case will go on to hearing with an Administrative Law Judge.

Mr. Wilson stated that the department fared okay with the legislature this year noting that \$7 million was allotted for REAP. Director Wilson related that Don Paulin and Jim Brown should be commended for the fine job they did at the legislature this year, adding that there was an additional staff person helping with those tasks last year.

Charlotte Mohr asked that the Commission be provided a synopsis of the bills that have been passed and also the bills the Governor has signed.

Director Wilson noted that he will mail current bill information to the Commissioners as soon as it is prepared.

Mr. Wilson called attention to the latest issue of the Iowa Conservationist magazine and noted that he met with the Information & Education staff this morning. He related that they are doing a very fine job and the magazine is a good illustration of how well they do. He noted that he had asked for some balance of articles on environmental issues and the traditional conservation issues, and they are doing a 60/40 balance of articles with 40% focusing on environmental issues.

ELECTION OF OFFICERS (CONTINUED)

Chairperson Hartsuck updated the Commission on the earlier nominations for Chair and noted that he will not open nominations again because there was a quorum for that action.

Chairperson Hartsuck requested a roll call vote and asked the Commissioners to vote either for William Ehm or NancyLee Siebenmann.

Roll call vote was taken and Commissioners King, Mohr, Priebe, Siebenmann, and Yeager voted for NancyLee Siebenmann. Commissioners Ehm, Murphy, Britt, and Hartsuck voted for William Ehm. Vote was 5-NancyLee Siebenmann and 4-William Ehm.

NANCYLEE SIEBENMANN ELECTED CHAIR

Richard Hartsuck relinquished the chair to NancyLee Siebenmann and she presided over the remainder of the meeting.

NancyLee Siebenmann, on behalf of the Commission, expressed gratitude to Richard Hartsuck for his excellent leadership and representation on the Commission.

Richard Hartsuck expressed pleasure in working with the Commission and thanked them for their past efforts and accomplishments.

Chairperson Siebenmann opened nominations for Vice-Chair.

Gary Priebe nominated Clark Yeager for Vice-Chair. Richard Hartsuck moved that nominations cease.

Motion was made by William Ehm that the secretary cast a unanimous ballot for Clark Yeager as Vice-chair. Seconded by Gary Priebe. Motion carried unanimously.

CLARK YEAGER ELECTED VICE-CHAIR

Gary Priebe nominated Rozanne King for Secretary.

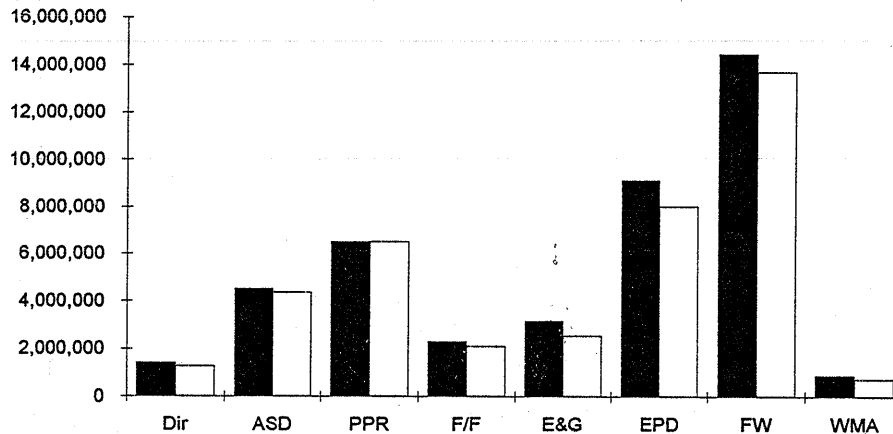
Motion was made by William Ehm to cease nominations and the secretary cast a unanimous ballot for Rozanne King as Secretary. Seconded by Clark Yeager. Motion carried unanimously.

ROZANNE KING ELECTED SECRETARY**FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The division level YTD expenditure status report as of April 30, 1994 will be provided to the commission separately when available. Staff will brief the commissioners regarding the report and respond to comments and questions.

DNR Division Budget Status, April 30, 1994



Director's Office

EXPENSE	FY94	YTD BUDGET	YTD ACTUAL	UNDER(OVER)
	BUDGET	4/30/94	4/30/94	BUDGET
PERS SERV	993,316	844,319	791,147	53,172
PERS TRV IN	52,150	39,113	29,479	9,634
STATE VEHICL	8,431	7,082	3,522	3,560
DEPRECIATION	12,450	10,458	6,445	4,013
PERS TRV OUT	8,900	6,675	6,540	135
OFF SUPPLY	89,050	66,788	65,749	1,039
FAC MAINT SU	3,000	2,250	983	1,267
EQUIP MAINT	6,850	5,138	3,125	2,013
OTHER SUPPLY	57,150	42,863	33,990	8,873
PRINT & BIND	312,431	234,323	193,380	40,943
UNIFORMS	800	600	306	294
COMMUNICATIO	29,100	21,825	17,789	4,036
RENTALS	500	375	1,112	(737)
UTILITIES	750	563	166	397
PROF SERV	110,216	77,151	71,719	5,432
OUTSIDE SERV	24,100	18,075	17,925	150
ADVER PUB	10,000	7,500	0	7,500
DATA PROC	14,050	10,538	6,567	3,971
REIMBURSEMENT	6,175	4,631	318	4,313
EQUIPMENT	33,817	28,744	26,012	2,732
OTHER EXP	2,600	1,950	0	1,950
Totals	1,775,836	1,430,959	1,276,274	154,685

Note: \$64,000 is encumbered for printing, supplies, and equipment purchase order encumbrances.

Administrative Services Division

EXPENSE	FY94 BUDGET	YTD BUDGET 4/30/94	YTD ACTUAL 4/30/94	UNDER(OVER) BUDGET
PERS SERV	3,669,678	3,119,226	3,015,492	103,734
PERS TRV IN	53,550	40,163	27,930	12,233
STATE VEHICL	59,000	49,560	40,021	9,539
DEPRECIATION	80,500	67,620	56,930	10,690
PERS TRV OUT	7,300	5,475	4,784	691
OFF SUPPLY	315,255	236,441	243,472	(7,031)
FAC MAINT SU	21,000	15,750	1,830	13,920
EQUIP MAINT	52,000	39,000	42,947	(3,947)
OTHER SUPPLY	14,300	10,725	8,383	2,342
PRINT & BIND	14,500	10,875	15,287	(4,412)
UNIFORMS	2,500	1,875	1,444	431
COMMUNICATIO	93,100	69,825	76,925	(7,100)
RENTALS	500	375	254	121
UTILITIES	0	0	527	(527)
PROF SERVICES	0	0	36,165	(36,165)
OUTSIDE SERV	78,650	58,988	22,690	36,298
ADVER PUB	500	375	0	375
DATA PROC	91,700	68,775	118,485	(49,710)
AUDITOR REIM	150,000	82,000	80,784	1,216
REIMBURSMENT	118,150	88,813	67,009	21,604
EQUIPMENT	189,508	161,082	121,868	39,214
OTHER EXP	550,000	400,000	383,632	16,368
LICENSES	50	0	0	0
Totals	5,561,741	4,526,742	4,366,859	159,883

Note: Approximately \$60,000 is encumbered, primarily for equipment, and supplies.

The overage in data processing and professional services results

from costs involved in updating the DNR's PC LAN.

This is being offset by savings in a variety of areas, primarily staffing.

Parks, Preserves, and Recreation Division

EXPENSE	FY94 BUDGET	YTD BUDGET 4/30/94	YTD ACTUAL 4/30/94	UNDER(OVER) BUDGET
PERS SERV	4,452,081	3,784,269	3,678,877	105,392
SEASONAL HELP	1,175,473	822,831	864,932	(42,101)
PERS TRV IN	61,775	46,331	57,565	(11,234)
STATE VEHICL	202,800	170,352	182,240	(11,888)
DEPRECIATION	294,000	246,960	252,835	(5,875)
PERS TRV OUT	7,685	5,764	3,636	2,128
OFF SUPPLY	46,700	35,025	21,988	13,037
FAC MAINT SU	454,800	318,360	361,837	(43,477)
EQUIP MAINT	299,999	224,999	263,580	(38,581)
PROF SUPPLY	1,000	750	0	750
AG CONS SUPP	30,000	22,500	15,806	6,694
OTHER SUPPLY	42,994	32,246	23,786	8,460
PRINT & BIND	33,000	24,750	15,318	9,432
UNIFORMS	46,277	34,708	17,239	17,469
COMMUNICATIO	105,502	79,127	89,990	9,137
RENTALS	34,900	26,175	22,783	3,392
UTILITIES	390,951	293,213	310,528	(17,315)
PROF SERV	74,000	55,500	48,998	6,502
OUTSIDE SERV	185,352	139,014	146,870	(7,856)
ADVER PUB	2,550	1,913	583	1,330
DATA PROC	6,000	4,500	3,623	877
REIMBURSMENT	2,475	1,856	2,761	(905)
EQUIPMENT	152,378	129,521	155,836	(26,315)
OTHER EXP	4,700	3,525	1,087	2,438
LICENSES	897	523	472	51
Totals	8,108,089	6,504,711	6,523,170	(18,459)

Note: Budget overages primarily result from flood cleanup costs. \$53,000 of these costs have been already recovered and will offset this overage. More recovery is expected before July. An additional \$135,000, primarily equipment and facility maintenance, is encumbered.

Forests and Forestry Division

EXPENSE	FY94 BUDGET	YTD BUDGET 4/30/94	YTD ACTUAL 4/30/94	UNDER(OVER) BUDGET
PERS SERVICES	1,732,551	1,472,868	1,434,002	38,866
SEASONAL HELP	105,826	74,078	79,205	(5,127)
PERS TRV IN	44,500	33,375	25,594	7,781
STATE VEHICL	92,500	77,700	57,186	20,514
DEPRECIATION	139,700	117,348	111,005	6,343
PERS TRV OUT	8,800	6,800	3,223	3,377
OFF SUPPLY	20,300	15,225	13,378	1,847
FAC MAINT SU	44,000	33,000	38,213	(5,213)
EQUIP MAINT	57,000	42,750	40,596	2,154
PROF SUPPLY	500	375	0	375
AG CONS SUPP	129,000	96,750	111,373	(14,623)
OTHER SUPPLY	39,900	29,925	30,135	(210)
PRINT & BIND	15,500	11,825	5,455	6,170
UNIFORMS	16,100	12,075	4,680	7,395
COMMUNICATIO	43,669	32,752	24,628	8,124
RENTALS	35,000	26,250	16,757	9,493
UTILITIES	37,000	27,750	20,915	6,835
OUTSIDE SERV	77,000	57,750	35,044	22,706
ADVER PUB	1,000	750	376	374
DATA PROC	3,300	2,475	3,413	(938)
REIMBURSEMENT	550	413	377	36
EQUIPMENT	140,822	119,699	50,947	88,752
Totals	2,784,518	2,291,333	2,108,502	184,831

Note: Budget overage in "AG CONS SUPP" is primarily related to tree seed purchases in the fall and is normal. \$75,000 is encumbered for equipment, maintenance, and similar items.

Energy and Geological Resources Division

EXPENSE	FY94 BUDGET	YTD BUDGET 4/30/94	YTD ACTUAL 4/30/94	UNDER(OVER) BUDGET
PERS SERV	2,390,834	2,032,209	1,906,985	125,224
PERS TRV IN	42,875	32,156	15,913	16,243
STATE VEHICL	20,850	17,514	11,025	6,489
DEPRECIATION	33,570	28,199	21,500	6,699
PERS TRV OUT	37,300	27,975	28,384	(409)
OFF SUPPLY	18,900	14,175	27,083	(12,908)
FAC MAINT SU	4,450	3,338	854	2,484
EQUIP MAINT	16,250	12,188	1,807	10,381
PROF SUPPLY	2,900	2,175	977	1,198
OTHER SUPPLY	41,850	31,388	14,889	16,499
PRINT & BIND	60,725	45,544	25,466	20,078
COMMUNICATIO	43,000	32,250	29,659	2,591
RENTALS	350	263	2,444	(2,182)
UTILITIES	13,500	10,125	12,595	(2,470)
PROF SERV	1,019,773	713,841	368,166	345,675
OUTSIDE SERV	39,075	29,306	9,193	20,113
ADV & PUBLICITY		0	352	(352)
DATA PROC	27,750	20,813	10,317	10,486
REIMBURSEMENT	7,390	5,543	2,566	2,977
EQUIPMENT	126,119	107,201	55,548	51,653
OTHER EXP	2,600	1,950	4,639	(2,689)
Totals	3,950,061	3,168,150	2,550,362	617,788

Note: The division is significantly under budget in Professional Services because several planned contracts for the Energy program have not been awarded yet, and because of slow billing of several other contractual obligations. \$33,000 is encumbered for equipment purchases and supply items.

Environmental Protection Division

EXPENSE	FY94 BUDGET	YTD BUDGET 4/30/94	YTD ACTUAL 4/30/94	UNDER(OVER) BUDGET
PERS SERV	7,618,462	6,475,693	6,339,868	135,825
PERS TRV IN	84,800	63,600	37,401	26,199
STATE VEHICL	57,000	47,880	32,372	15,508
DEPRECIATION	65,000	54,600	51,805	2,795
PERS TRV OUT	101,202	75,902	48,388	27,514
OFF SUPPLY	74,500	55,875	59,223	(3,348)
FAC MAINT SU	5,600	4,200	761	3,439
EQUIP MAINT	14,200	10,650	9,935	715
PROF SUPPLY	21,350	16,013	0	16,013
OTHER SUPPLY	38,200	28,650	18,957	9,693
PRINT & BIND	41,250	30,938	39,756	(8,819)
UNIFORMS	3,500	2,625	1,615	1,010
COMMUNICATIO	134,800	101,100	118,949	(17,849)
RENTALS	66,700	50,025	48,737	1,288
UTILITIES	23,650	17,738	13,775	3,963
PROF SERV	2,099,648	1,469,754	894,199	575,555
OUTSIDE SERV	80,300	60,225	64,925	(4,700)
ADVER PUB	8,000	6,000	5,182	818
DATA PROC	251,200	188,400	124,043	64,357
REIMBURSEMENT	25,600	19,200	11,708	7,492
EQUIPMENT	446,093	379,179	110,993	268,186
OTHER EXP	9,500	7,125	8,650	(1,525)
Totals	11,261,055	9,158,244	8,032,592	1,125,652

Note: Professional Services is significantly under budget, primarily in the 319 water planning program. \$179,000 is encumbered for equipment & printing.

Fish and Wildlife Division

EXPENSE	FY94 BUDGET	YTD BUDGET 4/30/94	YTD ACTUAL 4/30/94	UNDER(OVER) BUDGET
PERS SERV	11,572,522	9,836,644	9,793,510	43,134
SEASONAL HELP	755,530	528,871	478,342	50,529
PERS TRV IN	333,170	249,878	244,986	4,892
STATE VEHICL	464,936	390,546	420,493	(29,947)
DEPRECIATION	727,480	611,083	562,650	48,433
PERS TRV OUT	29,400	22,050	25,742	(3,692)
OFF SUPPLY	299,118	224,339	272,423	(48,085)
FAC MAINT SU	475,227	356,420	287,892	88,528
EQUIP MAINT	334,436	250,827	246,339	4,488
AG CONS SUPP	344,075	258,056	200,163	57,893
OTHER SUPPLY	96,607	72,455	109,631	(37,176)
PRINT & BIND	191,666	143,750	79,405	64,345
UNIFORMS	133,275	99,956	60,962	38,994
COMMUNICATIO	188,950	141,713	171,504	(29,792)
RENTALS	66,035	49,526	46,247	3,279
UTILITIES	214,716	161,037	164,986	(3,949)
PROF SERV	334,000	233,800	94,071	139,729
OUTSIDE SERV	121,912	91,434	119,635	(28,201)
ADVER PUB	23,000	17,250	1,866	15,384
DATA PROC	53,200	39,900	63,134	(23,234)
REIMBURSEMENT	158,450	118,838	30,474	88,364
EQUIPMENT	682,039	579,733	272,512	307,221
OTHER EXP	600	450	1,326	(876)
LICENSES	300	225	46	179
Totals	17,600,844	14,478,760	13,728,339	750,441

Note: \$430,000 is encumbered; in addition to expenditures shown, primarily for equipment, printing, supplies, and facility maintenance.

Waste Management Assistance Division

EXPENSE	FY94	YTD BUDGET	YTD ACTUAL	UNDER(OVER)
	BUDGET	4/30/94	4/30/94	BUDGET
PERS SERV	716,525	609,046	589,552	19,494
PERS TRV IN	28,200	21,150	17,391	3,759
PERS TRV OUT	47,270	35,453	20,454	14,999
OFF SUPPLY	6,679	5,009	4,704	305
EQUIP MAINT	950	713	0	713
OTHER SUPPLY	18,050	13,538	7,338	6,200
PRINT & BIND	81,794	61,346	19,881	41,465
COMMUNICATIO	20,660	15,495	11,137	4,358
RENTALS	0	0	798	(798)
PROF SERV	143,190	107,393	46,006	61,387
OUTSIDE SERV	9,140	6,855	8,746	(1,891)
ADVERTISING	0	0	785	
DATA PROC	5,020	3,765	7,066	(3,301)
REIMBURSEMENT	16,950	12,713	7,024	5,689
EQUIPMENT	2,200	1,870	0	1,870
OTHER EXP	5,200	3,900	4,639	(739)
Totals	1,101,828	898,244	745,521	153,508

Note: \$14,000 obligated for printing and supply items.

Mr. Kuhn reviewed the budget status noting that license sales and camping receipts are up from last year. He added that some general fund appropriations and small amounts from other divisions will have to be transferred to the Parks Division.

Discussion followed regarding the transfer of funds within the department and the dollar amount of flood damage to state parks. It is estimated that the cost to the department for flood damage will be 3-4 million dollars, depending on how settlement is made with FEMA.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION**Vernon Retting**

Vernon Rettig, Secretary to Board of Trustees for Drainage District #25, addressed the Commission regarding their application for removal of a sandbar in the Skunk River, in Polk

County. He noted that their application was to remove a sandbar from the river and he distributed copies of a map showing the area involved. Mr. Rettig related that he received a letter from the department stating that they would go along with the rip-rap portion of the application but the project would create an overall degradation to the aquatic population. He stated that the drainage district feel they should not be rejected on the basis of degradation. He also indicated that if this is what the Fish and Wildlife Division want, then they should make up the cost of the maintenance. He introduced other members of the drainage district.

Richard Hartsuck asked if their request is actually for a channel change rather than sandbar removal.

Mr. Rettig responded that you could say that.

Discussion followed and Chairperson Siebenmann noted that staff will study the subject further.

1993 CAPACITY ASSURANCE PLAN - PHASE I

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Section 104 (c) (9) of CERCLA requires states to assure adequate capacity for the treatment and disposal of hazardous wastes that are reasonably expected to be generated within the state for 20 years. This assurance, in the form of the Capacity Assurance Plan, must be provided to the EPA Administrator on a biennial basis. If this assurance is not provided, no Superfund remedial action funding can be provided. While Iowa does not currently have any Superfund money that may be withheld, it is important that the state continue to participate in this national effort to determine the adequacy of national capacity for hazardous waste.

The enclosed Capacity Assurance Plan is the first phase of this exercise. If national shortfalls do exist in management categories requiring commercial capacity in which Iowa has demand, then Phase 2 will come into place. Among other things, Phase 2 will require a more detailed discussion of the state's waste minimization efforts and evidence of cooperation with other states to ensure access to facilities located in those states. EPA is expected to have completed the review of all plans within six months.

(A copy of the Capacity Assurance Plan is on file in the department's Records Center)

Ms. Hay reviewed the plan and noted that EPA will look at plans from all of the states to determine the national picture as to where there is excess capacity or shortfalls in the various treatment and disposal categories. She expanded on import and export of hazardous wastes in Iowa.

INFORMATIONAL ONLY

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 14 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
May 1, 1994

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 20, 21, 22, 23 - Air Quality Rule Updates	5/16/94	*6/08/94	*7/ /94	*7/ /94	*8/15/94	*8/15/94	*9/14/94	*10/19/94
2. Ch. 22 - Voluntary Operation Permits - Air Quality	3/21/94	4/13/94	5/11/94	*5/24/94 *5/25/94 *5/26/94	*6/20/94	*6/20/94	*7/20/94	*8/24/94
3. Ch. 23 - Open Burning	*6/20/94	*7/20/94	*8/ /94	*8/ /94	*9/19/94	*9/19/94	*10/12/94	*11/16/94
4. Ch. 50, 51 - Agricultural Drainage Well Permits	*6/20/94	*7/20/94	*8/ /94	*8/ /94	*9/19/94	*9/19/94	*10/12/94	*11/16/94
5. Ch. 61 - Water Quality Stds. Numeric WQ Criteria	4/18/94	5/13/94	*6/ /94	*6/06/94 *6/07/94 *6/08/94 *6/10/94	*7/18/94	*7/18/94	*8/17/94	*9/21/94
6. Ch. 67 - Sewage Sludge	2/21/94	3/16/94	4/11/94	4/18/94 4/19/94 4/20/94 4/21/94	*6/20/94	*6/20/94	*7/20/94	*8/24/94
7. Ch. 72 - Flood Plain Development - Protected Streams Variance Criteria	3/21/94	4/13/94	5/11/94	5/03/94	*6/20/94	*6/20/94	*7/20/94	*8/24/94
8. Ch. 81 - Water Supply Systems; Wastewater Treatment Plants	4/18/94	5/13/94	*6/ /94	*6/03/94	*7/18/94	*7/18/94	*8/17/94	*9/21/94
9. Ch. 103, 111 - Landfill Financial Assurance	2/21/94	3/16/94	4/11/94	4/06/94	*6/20/94	*6/20/94	*7/20/94	*8/24/94
10. Ch. 134 - Registration of Groundwater Professionals	2/21/94	3/16/94	4/11/94	4/05/94 4/06/94 4/07/94	*6/20/94	*6/20/94	*7/20/94	*8/25/94

* Projected

MONTHLY VARIANCE REPORT						
Month: April, 1994						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	IA Dept. of Ag.- Soil Conservation Service - Marion County	Air Quality		Landscape Waste	Approved	04/20/94
2.	Beachland Inn Mobile Home Park - Delaware County	Wastewater Construction	IIW Engineers and Surveyors, Inc.	Site Separation	Approved	04/25/94
3.	Madison County - Middle River	Flood Plain	Shuck-Britson, Inc.	Freeboard	Approved	04/07/94
4.	Lyon County - Rock River	Flood Plain		Backwater	Approved	04/27/94
5.	Palo Alto County Sanitary Landfill	Solid Waste	Richard Hopper, P.E.	Groundwater Monitoring	Denied	04/08/94
6.	Grain Processing Corp. - Muscatine	Solid Waste	Jim Mikolaitis, P.E.	Cover	Approved	04/13/94
7.	City of Marathon	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	04/01/94
8.	Osceola Rural Water System	Watersupply Construction	DeWild Grant Reckert & Associates	Installation Procedures	Denied	04/11/94
9.	City of Wiota	Watersupply Construction	Snyder & Associates	Construction Materials	Approved	04/21/94

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Report of Hazardous Conditions

During the period April 1, 1994, through April 30, 1994, reports of 88 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
04/25/94 Scott	A student accidentally broke the gauge on a blood pressure cuff, and elemental mercury was spread out inside and outside the school. 12 students were exposed to the mercury. No health effects are anticipated.	Bettendorf Middle Sch. 2030 Middle Road Bettendorf, IA	The Bettendorf Fire Department responded to the school and used absorbents to contain the mercury. The school has hired a consultant to perform the additional cleanup work.
04/27/94 Dallas	A transport truck carrying a field mix of 28% N and extrazine was struck by a car. The truck rolled over into a small creek, spilling 750 gallons of the product. The creek is a tributary to the Raccoon River.	Heartland Coop Box 34, Main St. Booneville, IA	The Van Meter Fire Department and coop employees responded to the site. The creek was diked. Approximately 30,000 gallons of water and product was pumped from the creek. The Des Moines Water Works closed the Raccoon River intake as a precaution.

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Month	Substance					Mode				
	Total Incidents	Petroleum Product	Agri-Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	56(83)	37(54)	6(8)	13(21)	34(51)	0(0)	20(25)	0(2)	0(0)	2(5)
November	52(74)	34(46)	3(7)	15(21)	30(38)	3(1)	14(26)	0(0)	1(0)	4(9)
December	41(67)	30(41)	2(9)	9(17)	23(37)	0(2)	14(28)	2(0)	0(0)	2(0)
January	67(61)	47(47)	3(0)	14(17)	38(37)	1(1)	23(21)	2(1)	2(0)	1(6)
February	57(61)	38(47)	3(0)	16(14)	29(32)	2(1)	22(21)	2(1)	0(0)	2(6)
March	69(71)	42(46)	6(4)	21(21)	44(45)	0(2)	14(21)	2(1)	3(1)	6(1)
April	88(90)	39(58)	33(12)	16(20)	50(55)	0(1)	29(29)	2(1)	0(1)	3(7)
May										
June										
July										
August										
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '93)

1	2	3	4	5	6
14	9	15	12	26	12

NUMBER OF LUST CLEANUPS COMPLETED

During the period of April 1, 1994 through April 30, 1994, the following number of LUST cleanups were completed:

12 (706)

The number in parentheses represents the total number of LUST cleanups through April 30, 1994.

NUMBER OF LOW RISK SITES APPROVED

During the period of April 1, 1994 through April 30, 1994, the following number of low risk sites were approved:

22 (311)

The number in parentheses represents the total number of low risk LUST sites through April 30, 1994.

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of April 1, 1994 through April 30, 1994, the following number of releases from underground storage tanks were identified.

29 (24)

E94May-12

The number in parentheses represents the number of releases during the same period in Fiscal Year 1993.

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Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Creston, City of (4)	Wastewater	Discharge Limits	Order/Penalty	4/05/94
Eddyville, City of (6)	Wastewater	Discharge Limits; Pretreatment	Amended Order	4/05/94
Kennedy Car Kleen, Fairfield (6)	Wastewater	Prohibited Discharge	Order/Penalty	4/05/94
Farmers Hybrid Companies, Inc., Hamilton County (2)	Wastewater	Prohibited Discharge; Construction Without Permit	Order/Penalty	4/05/94
Henry Krohn and Randy Krohn d/b/a Krohn Construction, Dallas County (5)	Air Quality	Open Burning	Order/Penalty	4/05/94
Nishna Sanitary Service, Inc., Fayette County (1)	Solid Waste	Other	Order/Penalty	4/05/94
Clow Valve Company, Oskaloosa (5)	Air Quality	Construction Without Permit	Order/Penalty	4/05/94
Elite Ltd.; Roger Kanne; James Pietig, Logan (4)	Underground Tank	Site Assessment	Order	4/05/94
Leland Koster; Jim Koster, Alexander (2)	Underground Tank	Closure Investigation	Order/Penalty	4/05/94
Armour Swift-Eckrich, Britt (2)	Wastewater	Prohibited Discharge	Order/Penalty	4/07/94
Creston Commercial Feeders, Inc., Creston (4)	Wastewater	Prohibited Discharge	Order/Penalty	4/07/94
J. Wood Park, Garnavillo (1)	Drinking Water	Monitoring/Reporting-Nitrate; Public Notice	Order/Penalty	4/12/94
McAtee Tire, Jefferson (4)	Solid Waste	Operation Without Permit	Amended Order	4/12/94
Buffalo Bill Estates, Inc., Clinton County (6)	Drinking Water	Monitoring/Reporting - Bacteria; MCL-Bacteria; Public Notice	Order/Penalty	4/12/94
Smith Oil Co.; Franklin Smith, Mt. Ayr (5)	Underground Tank	Closure Investigation	Referred to AG	4/28/94
Wells Dairy, Inc., LeMars (3)	Hazardous Condition	Failure to Notify	Order/Penalty	4/20/94
The Heights, Monticello (1)	Drinking Water	Monitoring/Reporting-Bacteria; Public Notice	Order/Penalty	4/20/94
Braddyville, City of	Drinking Water	Operation Without Permit	Order/Penalty	4/20/94
Montour, City of (5)	Wastewater	Operational Violations	Amended Order	4/20/94
Elberon, City of (5)	Wastewater	Monitoring/Reporting	Order/Penalty	4/22/94
New Hampton, City of (1)	Wastewater	Discharge Limits; Monitoring/Reporting; Operational Violations	Order/Penalty	4/22/94
Kitchens of Sara Lee, Inc., New Hampton (1)	Wastewater	Pretreatment	Order/Penalty	4/22/94
American Demolition Corp. of Iowa, Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	4/22/94
Merle Johnson; Basil Roberts, Jr. d/b/a Estherville Pallet Co., Estherville (3)	Air Quality	Construction Without Permit; Open Burning	Order	4/26/94
Marty Feinberg d/b/a Feinberg Scrap Iron, Lee County (6)	Solid Waste Hazardous Condition	Illegal Disposal; Remedial Action	Order	4/26/94
Clarke County Sanitary Landfill, Clarke County (5)	Solid Waste	Cover Violations; Other	Order/Penalty	4/26/94

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Ron Jungling d/b/a Jungling Texaco (Wellsburg)	UT	550	11-18-92
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
Dennis Malone & Joanne Malone (Morning Sun)	UT	600	2-28-94
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
B & R Insulation, Inc. (Middletown)	AQ	250	3-14-94
Carter Lake, City of	WS	1,700	3-14-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	4-04-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	4-22-94
Phil McMains d/b/a MEDA (Moulton)	AQ	1,000	5-01-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Austin J. DeCoster (Wright Co.)	WW	3,000	6-04-94
Henry Krohn; Randy Krohn d/b/a Krohn Const. (Dallas Co.)	AQ	1,500	6-08-94
Clow Valve Company (Oskaloosa)	AQ	2,000	6-11-94
Armour Swift-Eckrich (Britt)	WW	1,000	6-11-94
Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	5,000	6-11-94
Creston, City of	WW	1,000	6-11-94
Creston Commercial Feeders, Inc. (Union Co.)	WW	1,000	6-11-94
Nishna Sanitary Service, Inc. (Fayette Co.)	SW	1,000	6-11-94
Kennedy Car Kleen (Fairfield)	WW	1,000	6-12-94
J. Wood Park (Garnaville)	WS	120	6-15-94
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	1,000	6-18-94
The Heights (Monticello)	WS	670	6-23-94
Wells Dairy, Inc. (LeMars)	HC	1,000	6-25-94
Braddyville, City of	WS	100	6-25-94
Allan Winder d/b/a Winder Trucking Co.; Supply Transport, Inc. (Coralville)	WW/HC	4,000	-----
Leland Koster and Jim Koster (Alexander)	UT	350	-----
American Demolition Corp. of Iowa (Cedar Rapids)	AQ	6,000	-----
Kitchens of Sara Lee, Inc. (New Hampton)	WW	10,000	-----
New Hampton, City of	WW	10,000	-----
Elberon, City of	WW	1,000	-----
Clarke County Sanitary Landfill	SW	10,000	-----
TOTAL		92,542	

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Central Paving Corporation (Indianola)	UT	300	8-20-92
Robert Plendl d/b/a Plendl Trucking (Kingsley)	UT	300	10-15-92
Shirley Pecoy d/b/a Joe's Place (Sexton)	UT	300	10-19-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
William D. Ames (Woodbury Co.)	SW	1,000	1-20-93
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93

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Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	300	7-06-93
Robert Bodwell (Winterset)	UT	300	7-07-93
Richard Newman (Des Moines Co.)	SW	500	11-01-93
Don Carlson d/b/a Carlson Oil Co. (Armstrong)	UT	800	12-14-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94

TOTAL 23,621

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500
Gary Lalor (Wright Co.)	AQ/SW	300
Walterman Implement, Inc. (Grundy Co.)	AQ	500
Low Moor, City of	AQ	3,000
Asbestrol, Inc. (Decorah)	AQ	250
Kelly Kiefer d/b/a Kiefer Built, Inc. (Kanawha)	AQ	1,000
Bob L. Petry (Council Bluffs)	UT	400
Olsen's Water System (Hamilton Co.)	WS	50
Chicago & North Western Transportation, et.al.	SW	1,000
TOTAL		7,000

The \$300 penalty assessed to Club Elvis (West Burlington) has been rescinded.

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Amoco Oil Co. (Des Moines)	UT	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
McDowell Dam #2 (Lee Co.)	FP	500
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Wiota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
William H. Viner (Emerson)	UT	600
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
Case Power and Equipment (Decorah)	WS	500
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Cargill, Inc. (Eddyville)	SW/WW	1,000
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
Midway Oil Co. (Indianola)	UT	300
Raven Corp. & Midway Oil Co. (Toledo)	UT	600
TRS Industries, Inc.; City of Des Moines (Des Moines)	SW	3,000
Land Renu, Inc. (Rockwell City)	SW	1,000
Holnam Inc. (Mason City)	AQ	5,000
Henning Wood Products, Inc. (Winneshiek Co.)	SW	500
Cyclone Steeple Jacks Inc. (Nevada)	AQ	1,000
Wells Dairy, Inc. (LeMars)	WW	5,000
LeMars, City of	WW	5,000
Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	10,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Graham Tire Co. of Spencer (Spencer)	UT	1,100

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Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
Porcine-New Way Co.	WW	4,000
George Krakow; Elmer Krakow (Marengo)	UT	1,275
J.P. Scherrman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	4,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
Home Asbestos & Lead Abatement Services (Johnston)	AQ	2,000
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Lyle Lorensen (Garwin)	HC	4,000
Technical Asbestos Control, Inc. (Davenport)	AQ	1,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Enviro Safe Air, Inc. (Sioux City)	AQ	2,000
Paul Nagle d/b/a Cyclone Steeple Jacks (Nevada)	AQ	4,000
Waste Management & Design, Inc. (Webster City)	WW	10,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Solvay Animal Health, Inc. (Charles City)	AQ/SW	5,000
Cedar Rapids, City of; YWCA (Cedar Rapids)	AQ	3,000
Iowa-Illinois Thermal Insulation; American Demolition Corp. (Cedar Rapids)	AQ	6,000
Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.)	AQ	3,000
Corydon Community Development Corp. (Corydon)	AQ	3,000
Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	4,000
Twice Over Clean, Inc. (Davenport)	AQ	1,000
Galva Union Elevator Co. (Galva)	UT	3,100
TOTAL		198,856

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
May 1, 1994

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Advanced Technologies Corp. Cedar Falls (1)	Air Quality	Asbestos	Referred to Attorney General	Referred	3/21/94
American Asbestos Training Center, Ltd. Monticello (3)	New	Air Quality	Asbestos	Referred to Attorney General	Referred 3/21/94
Ames, William D. Woodbury County (3)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Consent Decree (2,000/Civil; 1,000/Admin; Injunction) 2/15/93 9/17/93 4/18/94
Ampel Corporation Des Moines (5)	Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed	12/20/93 2/21/94
Bodwell, Robert Winterset (5)	Underground Tank	Site Assessment	Order/Penalty	Referred	2/21/94
Carlson, Don d/b/a Carlson Oil Co. Armstrong (3)	Underground Tank	Site Assessment	Order/Penalty	Referred	3/21/94
Carney, Don and Gertrude Ft. Dodge (2)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Continued 4/15/91 3/25/92

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Carson Grain & Implement Co. Coggon (1)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	10/18/93 12/09/93
Chicago & Northwestern Transportation Co.	Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed	8/4/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93
Blue Chip Enterprises					
Hawkeye Land Company Iowa Falls (2)					
Cota Industries, Inc. Des Moines (5)	Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed	4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93
Des Moines, City of (5) v. IDNR	Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay DNR Answer	1/18/94 1/18/94 2/08/94
Doud, Dennis D & D Tire Company Moravia (5)	Updated Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Dismissed (SCR Obtained; 300/Admin.)	5/17/93 7/30/93 4/14/94
Dunton, Lloyd Iowa County (6)	Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	12/16/91 8/26/92
Ecology Enterprises, Inc; Hollis D. DeVoe; Michael Murray; Robert Rausch Chickasaw County (1)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 3/04/93
Economy Solar Corp. Springville (1)	New Air Quality	Asbestos	Referred to Attorney General	Referred	3/21/94
Ervin, Don Webster County (2)	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
		Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Trial Date	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95
Giese Construction Co. Ft. Dodge (2)	Solid Waste Air Quality	Illegal Dis- posal; Open Burning	Referred to Attorney General	Referred Petition Filed Trial Date	5/29/92 3/26/93 6/14/94
Giese Construction Co. Ft. Dodge (2)	Hazardous Cond. Wastewater	Site Contamination	Referred to Attorney General	Referred Petition Filed Trial Date	1/19/93 3/26/93 6/14/94
Hall, Dale Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred	2/21/94
Halsne, Grant d/b/a Halsne, Inc. Decorah (1)	Underground Tank	Site Assessment	Order	Referred Petition Filed	10/18/93 12/06/93

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Harrison County Board of Supervisors (4)	Solid Waste	Operating Violations	Referred to Attorney General	Referred	2/21/94
International Hydroform Pella (5)	Underground Tank	Remedial Action	Order	Referred Petition Filed	5/17/93 1/18/94
Jack Link Truck Line, Inc. Dyersville (1)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 1/07/94
Jarvis, Marjorie and Terry Strong Council Bluffs (4)	Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Landfill of Des Moines, Inc. Des Moines #4 (5)	Solid Waste	Compliance Schedule; Other	Order/Penalty	Referred Petition Filed Trial Date	12/16/91 9/01/92 7/06/94
Landfill of Des Moines, Inc. Des Moines #5 (5)	Solid Waste	Compliance Schedule; Other	Order/Penalty	Referred Petition Filed Trial Date	5/18/92 9/01/92 7/06/94
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKinniss Excavating & Grading v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation Ruling on Phase I Trial	3/12/91 5/01/91 3/26/92 9/01/93
McNear, Wilbur, Dennis Stoner, Jack & Betty Hawn (4)	Underground Tank	Site Assessment	Referred to Attorney General	Referred	2/21/94
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Mtrg/Rprtng Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.)	11/16/92 4/02/93
Newman, Richard Des Moines Co. (6)	Updated Solid Waste	Operating Violations	Order/Penalty	Referred Motion for Judgment	2/21/94 4/20/94
Northwood Cooperative Elevator;	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order	12/07/92 12/28/92 1/05/93
Worth Co. Co-op Oil				Suit Filed DNR Answer Consolidation Order	12/07/93 12/28/92 3/10/93
Amoco				Suit Filed DNR Answer Consolidation Order	12/15/92 1/04/93 3/10/93
v. IDNR					
Plendl, Robert B. Plendl Brothers Trucking Kingsley (3)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93
Pringle, Michael and Brenda d/b/a Foller's Tap Camanche (6)	Drinking Water	Mtrg/Rprtng. Bacteria/Nitrate	Referred to Attorney General	Referred Petition Filed Consent Decree (\$2,000/Civil & Injunction) Motion to Vacate Judgment Motion Denied	6/15/92 3/05/93 2/04/94 2/16/94 2/28/94
Pruess, Harlan Cedar Co. (6)	Hazardous Condition	Clean-Up Costs	Defense	Suit Filed DNR Answer	7/27/93 8/13/93
Rudd, Harlan d/b/a Rudd Bros. Tires Drakesville (6)	Underground Tank	Closure Investigation	Order	Referred Groundwater Sampling	12/20/93 3/24/94

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Saak, Louis d/b/a Saak Oil Co. Baxter (5)		Underground Tank	Site Assessment	Order/Penalty	Referred	3/21/94
Schultz, Albert and Iowa Iron Works Ely (1)	Updated	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Consent Decree (Compliance Schedule)	9/20/89 8/08/90 4/14/94
Smith, Franklin; Smith Oil Company Mt. Ayr (5)	New	Underground Tank	Closure Investigation	Order/Penalty	Referred	4/18/94
Starling, Vern Perry (5)	Updated	Solid Waste	Illegal Disposal	Order	Referred Petition Filed Trial Date Trial Continued	11/16/92 4/14/93 3/24/94
Troutman, Jerry L. & Richard Van Buren Co. (6)		Solid Waste	Illegal Disposal	Order	Referred Petition Filed	10/18/93 2/15/94
Waterloo, City of (1)		Wastewater	Discharge Limits	Referred to Attorney General	Referred Petition Filed	11/15/93 12/30/93
Waterloo Community School District Waterloo (1)		Air Quality	Asbestos	Referred to Attorney General	Referred	3/21/94
Winterset, City of (5)		Wastewater	Effluent Limits	Referred to Attorney General	Referred Petition Filed Trial Date	7/20/92 3/23/93 10/11/94
Yentes, Clifford Council Bluffs (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/20/92 11/23/92
Young, David Sierp Oil Company Casey (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 12/14/93

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1-23-86	Oelwein Soil Service	Administrative Order	WW	-----	Hearing continued.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	Awaiting revised SCR.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued.
1-25-89	Amoco Oil Co. - Des Moines 7LTY03	Administrative Order	UT	Wornson	Final offer sent.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Wornson	Final offer sent.
6-08-89	Shaver Road Investments	Site Registry	HW	Murphy	Settlement proposed.

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6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Appealed to Iowa Supreme Court.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Murphy	Settlement near.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	4/94-Letter to City regarding resolving appeal.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	-----	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	-----	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	City response under review by EPD.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing set for 5/4/94.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Settlement letter sent to attorney.
10-18-90	Harlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC. Affirmed/modified - 6/21/93. Appealed to Cedar County District Court.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-04-90	United States Gypsum Co. Sperry	Administrative Order	SW	Kennedy	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	To be sent to DIA to be set for hearing.
5-16-91	Oskaloosa, City of	Administrative Order	WW	Hansen	Admin. Consent Order issued by DNR 4/94.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.

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7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Murphy	Hearing continued. Compliance nearing completion.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-07-92	Wiota, City of	Administrative Order	WS	Hansen	2/93 revised report reviewed by WS - new schedule proposed.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
2-28-92	William H. Viner	Administrative Order	UT	Wornson	Settled.
3-30-92	White Consolidated Industries	Administrative Order	WW	Hansen	Negotiating before filing.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Hearing continued until further order.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Negotiating before filing.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WW	Murphy	Settlement proposed.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-03-92	Case Power and Equipment	Administrative Order	WS	Hansen	Case proposal to resolve appeal to Dept.
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	WS	Clark	Settlement close.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	Negotiating before filing.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Settlement close.

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10-16-92	Ron Jungling d/b/a Jungling Service	Administrative Order	UT	Wornson	Settled.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
11-23-92	Cargill, Inc.	Administrative Order	SW/WW	Kennedy	Informal meeting 12/4/92.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93.
1-12-93	Chicago & North Western Transportation Co.	Administrative Order	HC	Wornson	Settlement close.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-28-93	Midway Oil Company (Indianola)	Administrative Order	UT	Wornson	Sent settlement letter.
1-28-93	Raven Corp.; Midway Oil Co. (Toledo)	Administrative Order	UT	Wornson	Negotiating penalty.
1-29-93	Case Corporation	Permit Conditions	WS	Hansen	3/1/93 Case proposal to DNR to resolve appeal.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
3/19/93	Holnam Inc.	Administrative Order	AQ	Preziosi	Settled.
3/29/93	Henning Wood, Inc.	Administrative Order	SW	Kennedy	Settlement meeting continued.
4/05/93	Cyclone Steeple Jacks, Inc.	Administrative Order	AQ	Preziosi	Hearing set for 6-14-94.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD - letter drafted.
4/09/93	Economy Solar Corp.	Administrative Order	AQ	Preziosi	EPC decision in favor of DNR.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AQ/HC WW	Preziosi	Settlement reached pending submission of certain financial documents.
4/09/93	Wells Dairy, Inc.	Administrative Order	WW	Hansen	12/27/93 Amended settlement proposed by Wells Dairy.
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/16/93	Phil McMains	Administrative Order	SW	Kennedy	Negotiating before filing.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.

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4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
5/23/93	Fellmer Motors	Administrative Order	FP	Clark	Negotiating before filing.
6/01/93	Graham Tire Co. of Spencer	Administrative Order	UT	Wornson	Settled.
6/17/93	Leo Schachtner ; Lawrence Schmitz, Gerald Schmitz, Duane Schmitz, Vernon Schmitz, and Ruth Ann Frieders	Permit Issuance	FP	Clark	Hearing continued.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/23/93	Clement Auto & Truck, Inc.	Administrative Order	UT	Wornson	Hearing set for 7/21/94.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Negotiating before filing.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Compliance with SCR initiated.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
7/27/93	Trust Trucking Co.	Administrative Order	UT	Wornson	Hearing set for 6/28/94.
8/03/93	Grain Processing Corp.	Administrative Order	AQ	Preziosi	Area declared nonattainment. Hearing continued indefinitely.
8/06/93	Muscatine Power & Water	Administrative Order	AQ	Preziosi	Area declared nonattainment. Hearing continued indefinitely.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Settlement close. Drafting consent order.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/29/93	Charles W. Sharp	Permit Issuance	FP	Clark	Settled.
10/11/93	West Central Cooperative	Permit Denial	AQ	Preziosi	Settled.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
10/25/93	Porcine-New Way Co.	Administrative Order	WW	Clark	Negotiating before filing.
11/04/93	Silver City	Permit Conditions	WS	Clark	Negotiating before filing.
11/05/93	George Krakow & Elmer Krakow f/d/b/a Krakow Bros.	Administrative Order	UT	Wornson	Penalty letter sent.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Settlement close.

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11/17/93	Osceola, City of	Permit Conditions	WW	Hansen	Variance request by City regarding monitoring requirements. Under review by EPD.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Settlement offer sent to company's attorney. Offer accepted. Consent order sent for signatures.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Hearing set for 7/7/94.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/18/94	Merrill, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Negotiating before filing.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.
2/09/94	Harold Lee	Administrative Order	WW	Clark	Negotiating before filing.
2/10/94	Lyle Lorensen	Administrative Order	UT	Wornson	Follow-up with attorney regarding penalty.
2/11/94	Technical Asbestos Control	Administrative Order	AQ	Preziosi	Settled.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Sent to DIA.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	Phil McMains d/b/a M.E.D.A.	Administrative Order	AQ	Preziosi	Negotiating before filing.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	Settlement close.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Compliance complete. Settle penalty.

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3/01/94	Parkwest Ltd.; Wilbur Numelin; Ricky Lee Anderson	Administrative Order	UT	Wornson	Negotiating before filing.
3/01/94	Enviro Safe Air, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/02/94	Waste Mgmt. & Design, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
3/03/94	Burlington Northern Railroad	Tax Certification	WW	Hansen	Negotiating before filing.
3/03/94	Paul Nagle d/b/a Cyclone Steeple Jacks	Administrative Order	AQ	Preziosi	Sent to DIA.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	Negotiating before filing.
3/10/94	Solvay Animal Health, Inc.	Administrative Order	AQ/SW	Kennedy	Settlement pending.
3/15/94	Ames, City of	Permit Conditions	WS	Hansen	Under review by WS section.
3/15/94	Iowa-Illinois Thermal Insulation, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/16/94	Cedar Rapids, City of; Cedar Rapids YWCA	Administrative Order	AQ	Preziosi	Settlement close.
3/17/94	Arlo Becker d/b/a Becker's Auto Salvage	Administrative Order	AQ	Kennedy	Settlement pending.
3/23/94	Corydon Community Development Corp.	Administrative Order	AQ	Preziosi	Settled.
3/28/94	Twice Over Clean, Inc.	Administrative Order	AQ	Preziosi	Settled.
3/31/94	Hormel Foods	Permit Conditions	WW	Hansen	Under review by EPD permit section.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	New case.

Mr. Stokes stated that the Administrative Rules Review Committee took no action to change the protected stream rules which were delayed, so they will now become effective as rules. He related that next month staff will bring, for final adoption, the rules which further clarify those rules.

Rozanne King asked about the Hazardous Conditions report regarding the mercury incident at the school and whether the cleanup is extensive.

Mr. Stokes stated that cleanup is usually done with a special vacuum that is used for picking up mercury, and special decontamination procedures are used.

Richard Hartsuck asked about the hazardous impacts of mercury.

Mr. Stokes stated that staff can prepare a briefing paper on it and mail to the Commission.

Charlotte Mohr asked if there is anything the legislature can do about the unpaid amounts on administrative penalties that have been appealed. Discussion followed regarding the unpaid penalties.

Director Wilson reviewed that Dave Sheridan, Attorney General's Office, has periodically appeared before the Commission in the past and perhaps he could come over next month and give a status report on these penalties. Discussion followed regarding penalties and environmental compliance.

INFORMATIONAL ONLY

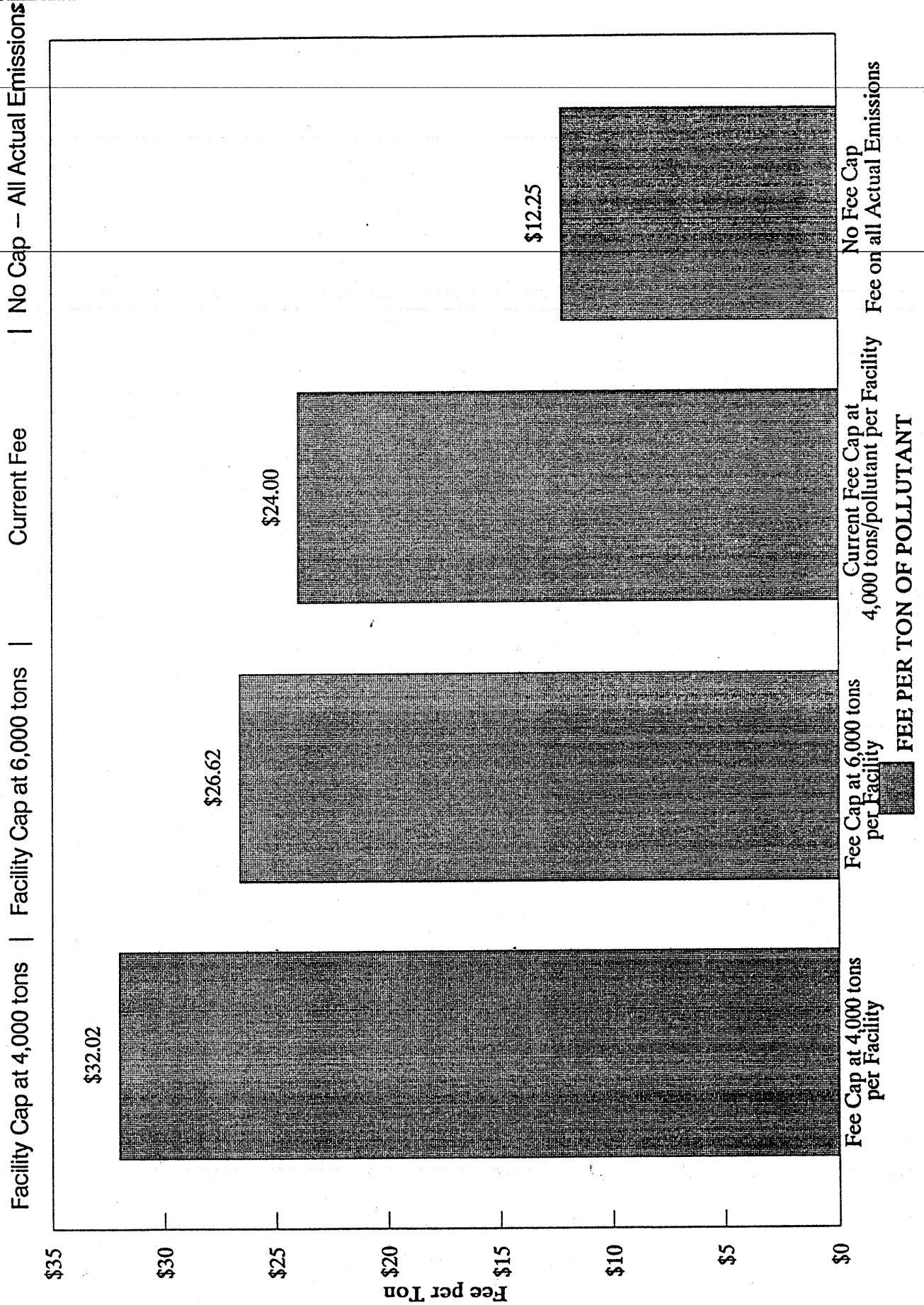
AIR QUALITY OPERATING PERMIT FEES ANALYSIS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Recently the Commission adopted state rules for implementation of a program for issuance of operating permits to air emission sources as envisioned under Title V of the Federal Clean Air Act Amendments of 1990. A portion of those rules establish permit fees. The rules as currently written set a per pollutant cap of four thousand tons for fee calculation purposes. The Commission asked for an analysis of the effects of establishing a per facility cap of four thousand tons for the purposes of fee calculation. A first cut analysis was provided to the Commission at their April 1994 meeting. At that time, additional analysis of options was requested. The Commission will be provided the requested additional analysis.

(Fee analysis charts are shown on the following 7 pages)

TITLE V FEE NEEDED TO MEET BUDGET UNDER VARIOUS FEE CAPS COMPARED TO CURRENT FEE



Estimated Fee for each Facility under Various Fee Cap Scenarios

ID NO.	FACILITY NAME	CITY	NO CAP \$12.25/ton	4000 ton/poll. \$24.00/ton	6000 ton/facility \$26.62/ton	4000 ton/facility \$32.02/ton
1	ALUMINUM CO OF AMERICA	RIVERDALE	\$44,737	\$87,648	\$97,216	\$116,937
2	ARCADIAN FERTILIZER, LP	CAMANACHE	\$47,150	\$92,376	\$102,460	\$123,245
3	ARCHER DANIELS MIDLAND CO	CLINTON	\$296,818	\$274,488	\$159,720	\$128,080
4	BURLINGTON GEN STATION	BURLINGTON	\$313,404	\$225,408	\$159,720	\$128,080
5	CENTRAL IOWA POWER COOP	MONTPELIER	\$162,925	\$206,952	\$159,720	\$128,080
6	COUNCIL BLUFFS ENERGY CTR	COUNCIL BLUFFS	\$417,468	\$227,904	\$159,720	\$128,080
7	DUBUQUE POWER STATION	DUBUQUE	\$90,050	\$127,056	\$159,720	\$128,080
8	GEORGE NEAL NORTH	SIoux CITY	\$688,793	\$222,024	\$159,720	\$128,080
9	GEORGE NEAL SOUTH	SIoux CITY	\$337,463	\$214,056	\$159,720	\$128,080
10	GRAIN PROCESSING CORP	MUSCATINE	\$314,274	\$281,472	\$159,720	\$128,080
11	IA-IL GAS & ELEC CO	BETTENDORF	\$160,794	\$177,648	\$159,720	\$128,080
12	IA-IL GAS & ELEC CO	MUSCATINE	\$244,718	\$219,264	\$159,720	\$128,080
13	JOHN DEERE WATERLOO WORKS	WATERLOO	\$44,345	\$86,880	\$96,364	\$115,912
14	KEOKUK STEEL CASTINGS	KEOKUK	\$58,616	\$113,280	\$127,377	\$128,080
15	LAFARGE CORPORATION	DAVENPORT	\$68,625	\$134,448	\$149,125	\$128,080
16	LANSING POWER STATION	LANSING	\$149,352	\$200,856	\$159,720	\$128,080
17	LEHIGH PORTLAND CEMENT CO	MASON CITY	\$295,323	\$246,912	\$159,720	\$128,080
18	M L KAPP POWER STATION	CLINTON	\$249,851	\$189,984	\$159,720	\$128,080
19	MUSCATINE POWER AND WATER	MUSCATINE	\$243,163	\$196,704	\$159,720	\$128,080
20	OTTUMWA GEN STATION	CHILLICOTHE	\$265,641	\$281,784	\$159,720	\$128,080
21	ROQUETTE AMERICA INC	KEOKUK	\$47,371	\$92,808	\$102,940	\$123,821
22	SUTHERLAND STATION	MARSHALLTOWN	\$134,027	\$187,992	\$159,720	\$128,080
23	TERRA INTERNATIONAL INC	SERGEANT BLUFF	\$60,001	\$117,552	\$130,385	\$128,080

Estimated Fee for each Facility under Various Fee Cap Scenarios

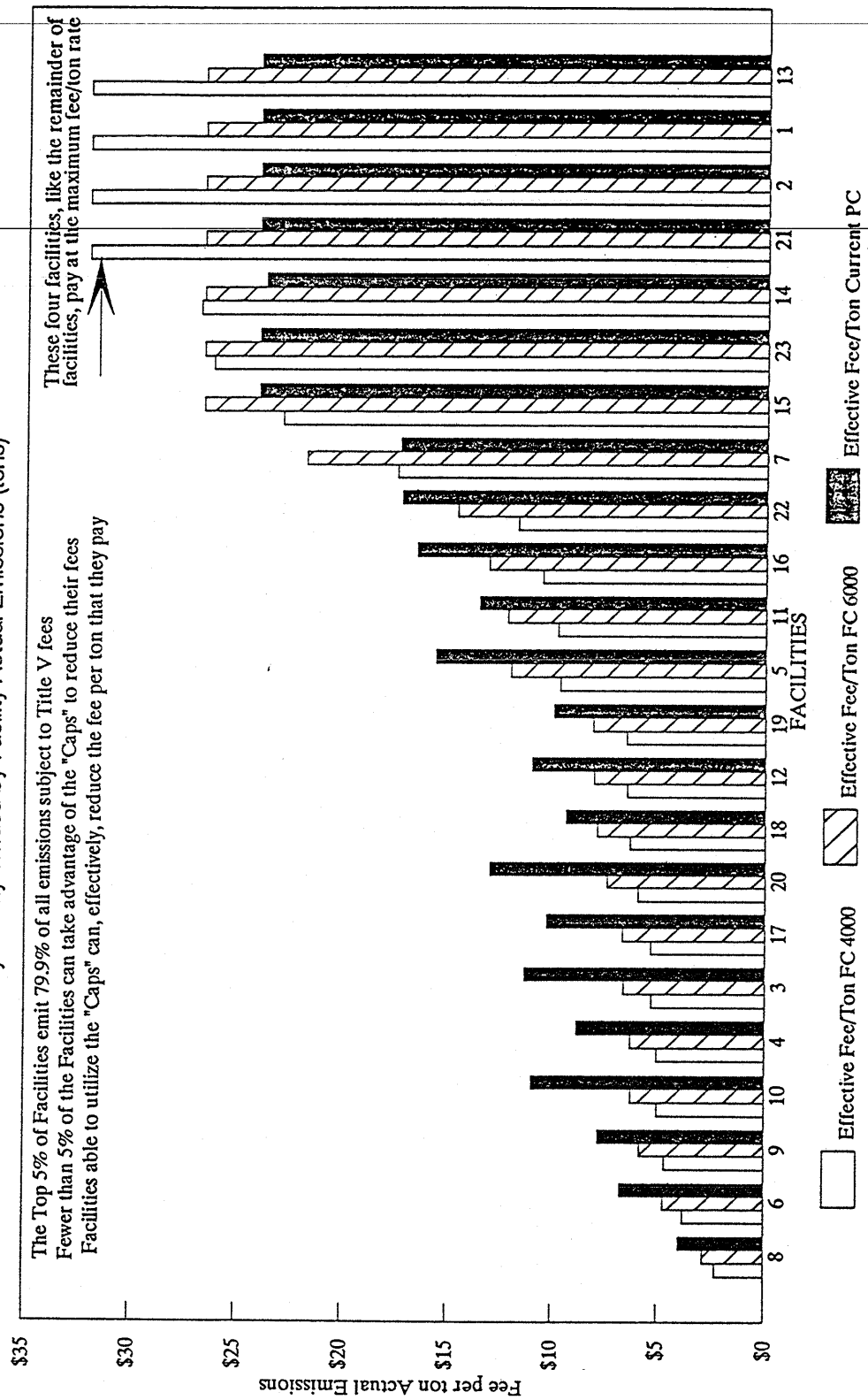
ID NO.	FACILITY NAME	CITY	NO CAP \$12.25/ton	4000 ton/poll. \$24.00/ton	6000 ton/facility \$26.62/ton	4000 ton/facility \$32.02/ton
1	ALUMINUM CO OF AMERICA	RIVERDALE	\$44,737	\$87,648	\$97,216	\$116,937
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7	DUBUQUE POWER STATION	DUBUQUE	\$90,050	\$127,056	\$159,720	\$128,080
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9	GEORGE NEAL SOUTH	SIOUX CITY	\$337,463	\$214,056	\$159,720	\$128,080
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22	SUTHERLAND STATION	MARSHALLTOWN	\$134,027	\$187,992	\$159,720	\$128,080
23	TERRA INTERNATIONAL INC	SERGEANT BLUFF	\$60,001	\$117,552	\$130,385	\$128,080

**EFFECTIVE FEE PER TON OF ACTUAL POLLUTANTS EMITTED TOP 5% (23) FACILITIES
TOP 5% (23) FACILITIES**

ID NO.	FACILITY NAME	CITY	4000 ton/poll.		6000 ton/facility		4000 ton/facility	
			\$24.00/ton	\$26.62/ton	\$24.00/ton	\$26.62/ton	\$24.00/ton	\$32.02/ton
1	ALUMINUM CO OF AMERICA	RIVERDALE	\$24.00	\$26.62				\$32.02
2	ARCADIAN FERTILIZER, LP	CAMANCHE	\$24.00	\$26.62				\$32.02
3	ARCHER DANIELS MIDLAND CO	CLINTON	\$11.33	\$6.59				\$5.29
4	BURLINGTON GEN STATION	BURLINGTON	\$8.81	\$6.24				\$5.01
5	CENTRAL IOWA POWER COOP	MONTPELIER	\$15.56	\$12.01				\$9.63
6	COUNCIL BLUFFS ENERGY CTR	COUNCIL BLUFFS	\$6.69	\$4.69				\$3.76
7	DUBUQUE POWER STATION	DUBUQUE	\$17.28	\$21.73				\$17.42
8	GEORGE NEAL NORTH	SIoux CITY	\$3.95	\$2.84				\$2.28
9	GEORGE NEAL SOUTH	SIoux CITY	\$7.77	\$5.80				\$4.65
10	GRAIN PROCESSING CORP	MUSCATINE	\$10.97	\$6.23				\$4.99
11	IA-IL GAS & ELEC CO	BETTENDORF	\$13.53	\$12.17				\$9.76
12	IA-IL GAS & ELEC CO	MUSCATINE	\$10.98	\$8.00				\$6.41
13	JOHN DEERE WATERLOO WORKS	WATERLOO	\$24.00	\$26.62				\$32.02
14	KEOKUK STEEL CASTINGS	KEOKUK	\$23.67	\$26.62				\$26.77
15	LAFARGE CORPORATION	DAVENPORT	\$24.00	\$26.62				\$22.86
16	LANSING POWER STATION	LANSING	\$16.47	\$13.10				\$10.51
17	LEHIGH PORTLAND CEMENT CO	MASON CITY	\$10.24	\$6.63				\$5.31
18	ML KAPP POWER STATION	CLINTON	\$9.31	\$7.83				\$6.28
19	MUSCATINE POWER AND WATER	MUSCATINE	\$9.91	\$8.05				\$6.45
20	OTTUMWA GEN STATION	CHILLICOTHE	\$12.99	\$7.37				\$5.91
21	ROQUETTE AMERICA INC	KEOKUK	\$24.00	\$26.62				\$32.02
22	SUTHERLAND STATION	MARSHALLTOWN	\$17.18	\$14.60				\$11.71
23	TERRA INTERNATIONAL INC	SERGEANT BLUFF	\$24.00	\$26.62				\$26.15

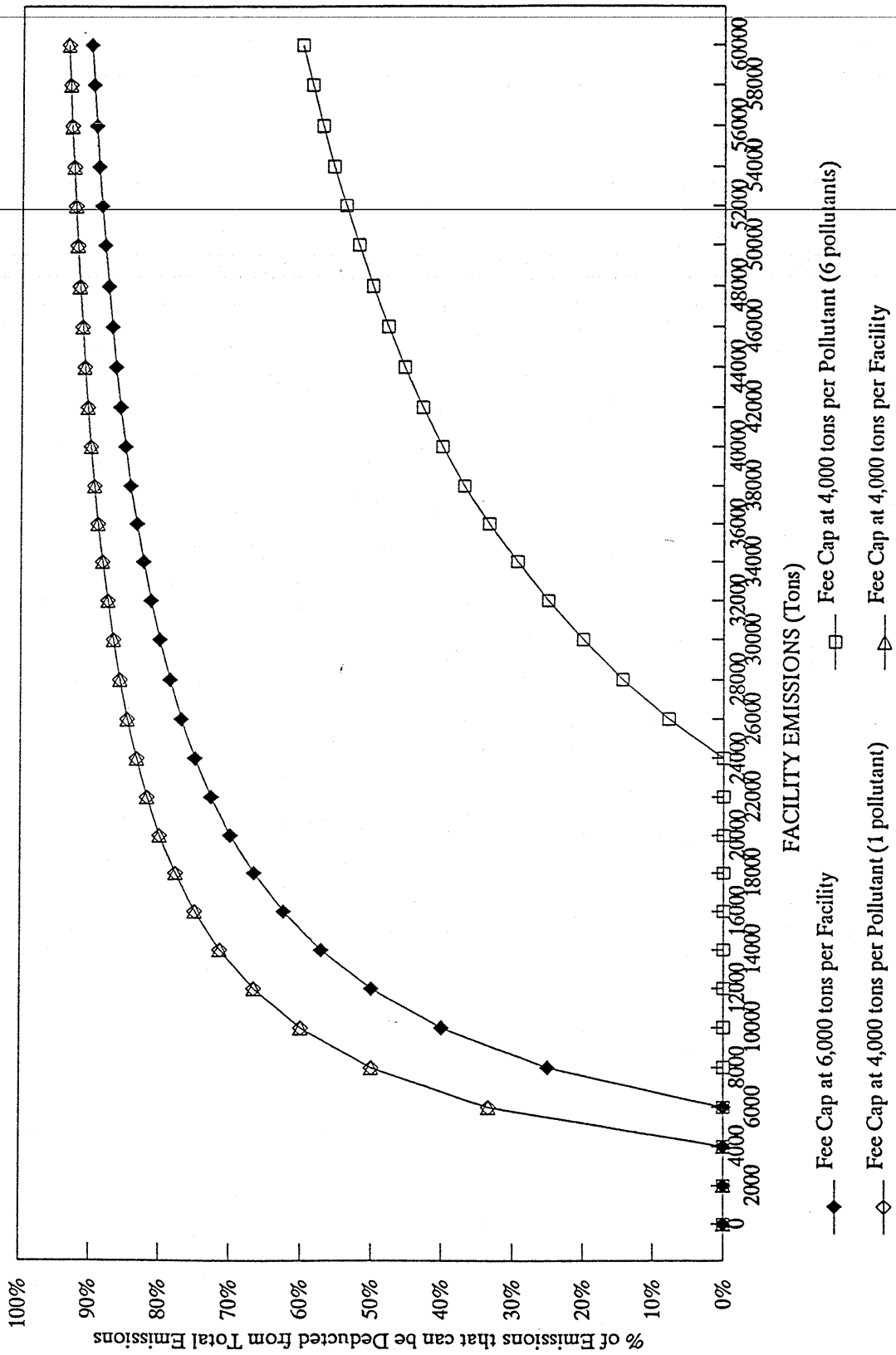
EFFECTIVE FEE PER TON OF ACTUAL POLLUTANTS EMITTED TOP 5% (23) FACILITIES

KEY: FC 4000: \$32.02/ton charged on the first 4,000 tons per facility
 FC 6000: \$26.62/ton charged on the first 6,000 tons/facility
 CURRENT: \$24.00/ton Current fee charged on the first 4,000 tons/pollutant per facility
 EFFECTIVE FEE: Total Fee Paid by Facility divided by Facility Actual Emissions (tons)



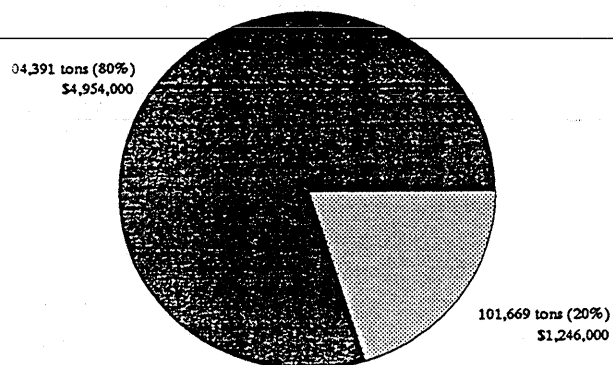
PERCENT OF EMISSIONS THAT A FACILITY MAY DEDUCT PRIOR TO CALCULATING FEES UNDER DIFFERENT FEE CAP SCENARIOS

The percent of emissions that may be deductible is dependent on the total facility emissions and the Fee Cap applied. Pollutant Cap Deductible is based on 4,000 tons per pollutant and is therefore dependent on how many different pollutants are emitted (from one to six) and in what quantity they are emitted (greater than or less than 4,000 tons).



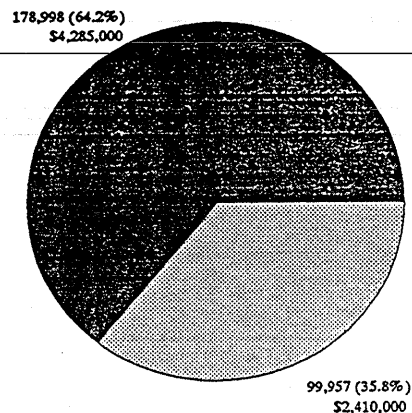
EMISSIONS OF AIR POLLUTANTS & FEE STRUCTURES COMPARISON – TITLE V SOURCES
TOP 23 (5%) FACILITIES VS. BOTTOM 447 (95%) FACILITIES

ACTUAL EMISSIONS
 No Cap – Fee per ton \$12.25



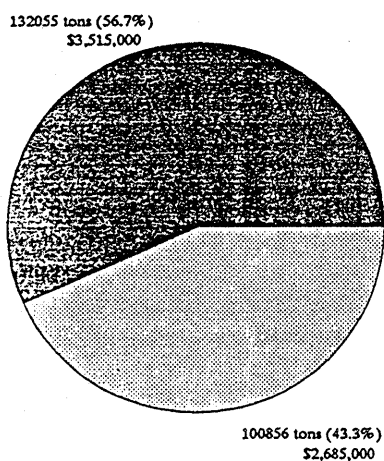
Emissions of top 5% of Facilities
 Emissions of bottom 95% of Facilities

FIRST 4,000 TONS PER POLLUTANT PER FACILITY
 Pollutant Cap – Fee per ton \$24.00
 CURRENT FEE STRUCTURE



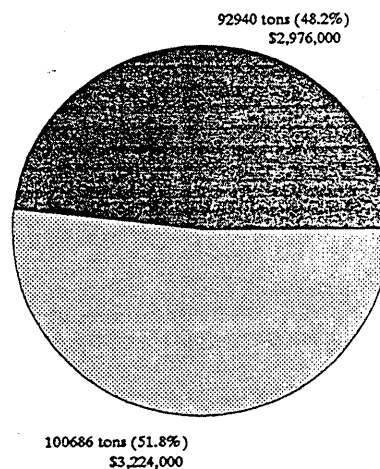
Emissions subject to Fees – top 5% of Facilities
 Emissions subject to Fees – bottom 95% of Facilities

FIRST 6,000 TONS PER FACILITY
 Facility Cap – Fee per ton \$26.62



Emissions subject to Fees – top 5% of Facilities
 Emissions Subject to Fees – bottom 95% of Facilities

FIRST 4,000 TONS PER FACILITY
 Facility Cap – Fee per ton \$26.62



Emissions subject to Fees – top 5% of Facilities
 Emissions Subject to Fees – bottom 95% of Facilities

Mr. Stokes distributed charts showing various fee/cap scenarios compared to current fees. He displayed the charts on an overhead projector and explained same. He cautioned the Commission that the projections done as to budget needs and facility emissions are a guesstimate at this point, and if it is honed right down to the estimated dollar there could be big problems.

Chairperson Siebenmann asked if staff are continuing to work with the task force group and whether or not they intend to discuss the fee analysis scenarios with them.

Mr. Stokes replied that there will be continued meetings with the task group and the fee analysis will be discussed. He related that the group has met three times and have been reviewing the construction permit process.

Chairperson Siebenmann noted that since some of the large generators will be more sophisticated in their capabilities than some of the smaller ones which will take more time and effort on the part of the department, that perhaps the department should consider implementing a consultation fee if it is taking a lot of staff time.

Mr. Stokes stated that that is an interesting concept and staff could look at it, but it may have to be handled legislatively.

Discussion followed in regard to enforcement and spot testing for compliance.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTER 23, OPEN BURNING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a Proposed Rule to amend the Department's air quality rules relating to open burning. These amendments incorporate changes to the open burning exemptions in subrule 23.2(3) required by House File 2190 and clarify the intent of certain exemptions regarding open burning in rural settings.

This item is being provided to the Commission for information only at this meeting. the Commission will be asked to approve a notice of intended action for these rules at their June 1994 meeting.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133 and House File 2190 (1994), the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code.

These amendments incorporate changes to the open burning exemptions in subrule 23.2(3) required by House File 2190 (1994) and clarify the intent of certain exemptions regarding open burning in rural settings.

These rules may impact small businesses.

Any interested person may make written suggestions or comments on the proposed rules on or before _____. Written comments should be directed to Christine Spackman, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, FAX (515)281-8895.

A public hearing will be held on _____ at _____ in _____, at which time comments may be submitted orally or in writing.

These rules are intended to implement Iowa Code section 455B.133.

The following rules are proposed.

ITEM 1. Amend paragraph 567--23.2(3)"d" as follows:

d. Landscape waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas at least one-fourth mile from any ~~inhabited~~ building inhabited by other than the land owner conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

ITEM 2. Amend paragraph 567--23.2(3)"g" as follows:

g. Training fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that written notification is postmarked or delivered to the director at least ten working days before such action commences. Notification shall be made in accordance with 40 CFR Section 61.145, "Standard for demolition and renovation", of the asbestos National Emission Standards for Hazardous Air Pollutants, as amended through March 5, 1992. All ~~asphalt roofing and a~~Asbestos-containing materials shall be removed prior to the training fire. Asphalt shingles may be burned in a training fire only if the notification to the director contains testing results indicating that all layers of the asphalt shingles do not contain asbestos. Each fire department shall be permitted to set two fires per year as allowed under this paragraph.

ITEM 3. Amend paragraph 567--23.2(3)"h" as follows:

h. Paper or plastic pesticide containers and seed corn bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium or arsenic) and seed corn bags resulting from farming activities occurring on the premises. Such open burning shall be limited to areas located at least one-fourth mile from any ~~inhabited~~ building inhabited by other than the land owner conducting the open burning, livestock area, wildlife area, or water source. The amount of paper or plastic pesticide containers and seed corn bags that can be disposed of by open burning shall not exceed one day's accumulation or 50 pounds, whichever is less. However, when the burning of paper or plastic pesticide containers or seed corn bags causes a nuisance, the director may take

action to secure relocation of the burning operation. Since the concentration levels of pesticide combustion products near the fire may be hazardous, the person conducting the open burning should take precautions to avoid inhalation of the pesticide combustion products.

ITEM 4. Amend paragraph 567--23.2(3)"i" as follows:

i. Agricultural structures. The open burning of agricultural structures ~~outside of cities or towns~~, provided the open burning occurs on the premises at least one-fourth mile from any building inhabited by other than the land owner conducting the open burning, all chemicals and asphalt shingles are removed, burning is conducted only when weather conditions are favorable with respect to surrounding property, and permission from the local fire chief is secured in advance of the burning. Rubber tires shall not be used to ignite agricultural structures.

ITEM 5. Amend subrule 567--23.2(4) as follows:

23.2(4) Unavailability of exemptions in certain areas. Notwithstanding 23.2(2) and 23.2(3)"b," "d" ~~and "f,"~~ and "i," no person shall allow, cause or permit the open burning of trees or tree trimmings, residential or landscape waste or agricultural structures in the cities of: Cedar Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, and Pleasant Hill.

This rule is intended to implement Iowa Code section 455B.133.

Mr. Stokes gave a detailed explanation of the rules.

Chairperson Siebenmann asked for clarification under Item. 2, pertaining to testing of "all layers of asphalt shingles." She felt that it should indicate that there is "no asbestos in any of the layers" of asphalt shingles.

Mr. Stokes stated that he feels it already states that but staff will review it to see if any other language could be used.

Clark Yeager asked if a landowner burns off several fields of landscape waste, if the quarter-mile rule would apply.

Mr. Stokes responded that, technically, it would apply.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 20, 21, 22, AND 23, AIR QUALITY RULE UPDATE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a Notice of Intended Action to amend the department's air quality regulations. These amendments are necessary to keep state rules consistent with federal requirements. The amendments include:

- Adding a definition for volatile organic compounds.
- Making clear what information may be used as evidence in establishing that a violation has or is occurring.
- Updating permitting requirements for sources impacting non-attainment areas to be consistent with the requirements of the Federal Clean Air Act as amended in 1990.

The Commission will be asked to approve the Notice of Intended Action to allow seeking public comment on the rules as proposed..

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice"; Chapter 21, "Compliance"; Chapter 22, "Controlling Pollution"; and Chapter 23, "Emission Standards for Contaminants."

This Notice proposes to add a definition to 20.2(455B) for volatile organic compounds (VOCs) by adopting the federal definition by reference. In addition, this action proposes to add a new rule, 21.5(455B), which clarifies what information may be used as evidence in establishing that a violation has or is occurring.

These amendments also update the permitting requirements for sources impacting non-attainment areas to be consistent with requirements of the Clean Air Act as amended in 1990.

These rules may impact small businesses.

Any interested person may make written suggestions or comments on the proposed rules on or before _____. Written comments should be directed to Christine Spackman, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, FAX (515)281-8895.

A public hearing will be held on _____ at _____ in _____, at which time comments may be submitted orally or in writing.

These rules are intended to implement Iowa Code section 455B.133.

The following rules are proposed.

ITEM 1. Amend rule 567--20.2(455B) by adding the following definition in alphabetical order:
"Volatile organic compound" means any compound included in the definition of volatile organic compound found at 40 CFR section 51.100(s) as amended through November 30, 1993.

ITEM 2. Add a new rule 567--21.5(455B) as follows:

567--21.5(455B) Evidence used in establishing that a violation has or is occurring.

Notwithstanding any other provisions of this Title 567, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any provisions herein.

21.5(1) Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:

- a. A monitoring method approved for the source and incorporated in an operating permit pursuant to 567--Chapter 22;
- b. Compliance test methods specified in 567--Chapter 25; or
- c. Testing or monitoring methods approved for the source in a construction permit issued pursuant to 567--Chapter 22.

21.5(2) The following testing, monitoring or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:

- a. Any monitoring or testing methods provided in this Title or
- b. Other testing, monitoring, or information-gathering methods that produce information comparable to that produced by any method in subrule 21.5(1) or this subrule.

ITEM 3. Amend subrule 567--22.5(1)(455B) as follows:

22.5(1) Definitions.

a. "Major stationary source" means any of the following:

(1) Any stationary source of air contaminants which emits, or has the potential to emit, 100 tons per year or more of any regulated air contaminant; ~~or~~ ;

(2) Any physical change that would occur at a stationary source not qualifying under subparagraph (1) as a major stationary source, if the change would constitute a major stationary source by itself; ;

(3) For ozone non-attainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe" and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding, under 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;

(4) For ozone transport regions established pursuant to section 184 of the Act, sources with potential to emit 50 tpy or more of volatile organic compounds;

(5) For carbon monoxide non-attainment areas (1) that are classified as "serious" and (2) in which stationary sources contribute significantly to carbon monoxide levels, and sources with the potential to emit 50 tpy or more of carbon monoxide; or

(6) For particulate matter (PM-10), non-attainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM-10.

A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

ITEM 4. Amend subparagraph 567--22.5(1)"f" (2) as follows:

(2) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between January 1, 1978 the date five years before construction on the particular change commences and the date that the increase from the particular change occurs.

ITEM 5. Amend paragraph 567--22.5(1)"m" as follows:

m. "Enforceable permit condition" for the purpose of this rule means any of the following limitations and conditions; requirements developed pursuant to new source performance standards, prevention of significant deterioration standards, emission standards for hazardous air pollutants, requirements within the state implementation plan, and any permit requirements established pursuant to this rule, or under conditional, or construction or Title V operating permit rules.

ITEM 6. Amend subrule 567--22.5(2) as follows:

22.5(2) Emission offset applicability.

a. ~~Primary standard p~~Particulate matter non-attainment areas. If a major source or major modification is proposed to be constructed in an area designated non-attainment for a primary particulate matter standard in 40 CFR 81.316 (as amended through November 6, 1991 March 10, 1994), then emission offsets must be achieved prior to startup.

If a major source or major modification is proposed to be constructed in an area designated attainment or unclassified for particulate matter in 40 CFR 81.316, but the modeled (EPA-approved guideline model) worst case ground level particulate concentrations due to the major source or major modification in a designated primary standard particulate matter non-attainment area is equal to or greater than five micrograms per cubic meter (24-hour concentration), or one microgram per cubic meter (annual geometric mean), then emission offsets must be achieved prior to startup.

~~If, after the permit is issued, the area is redesignated in 40 CFR 81.316 as attainment or unclassified and if the applicant can demonstrate that the major source or major modification will not cause a new violation, the director shall relieve the applicant of the obligation of implementing the offsets.~~

~~b. Secondary standard particulate matter non-attainment areas. If a major source or major modification is proposed to be constructed in an area designated non-attainment for the secondary particulate matter standard in 40 CFR 81.316 as amended through November 6, 1991, emissions offsets must be achieved prior to startup if the offsets are reasonably available. If a major source is proposed to be constructed in an area designated attainment or unclassified for particulate matter in 40 CFR 81.316, but the modeled (EPA-approved guideline model) worst case ground level particulate matter concentrations due to the major source or major modification in a designated secondary standard particulate matter non-attainment area is equal to or greater than five micrograms per cubic meter (24-hour concentration), emission offsets must be achieved prior to startup if the offsets are reasonably available.~~

~~If offsets are determined to be reasonably available, and if after the permit is issued, the area is redesignated in 40 CFR 81.316 as attainment or unclassified and if the applicant can demonstrate that the major source or major modification will not cause a new violation, the director shall relieve the applicant of the obligation of implementing the offsets.~~

b. Sulfur dioxide non-attainment areas. If a major source or major modification is proposed to be constructed in an area designated non-attainment for sulfur dioxide in 40 CFR 81.316 (as amended through November 6, 1991 March 10, 1994), then emission offsets must be achieved prior to startup.

If a major source or major modification is proposed to be constructed in an area designated attainment or unclassified for sulfur dioxide in 40 CFR 81.316, but the modeled (EPA-approved guideline model) worst case ground level sulfur dioxide concentrations due to the major source or major modification in a designated sulfur dioxide non-attainment area is equal to or greater than 25 micrograms per cubic meter (three-hour concentration), five micrograms per cubic meter (24-hour concentration), or one microgram per cubic meter (annual geometric mean), then emission offsets must be achieved prior to startup.

~~e. Offsets are reasonably available if the owner or operator can reasonably achieve any of the reductions listed in 22.5(4), paragraphs "c" to "i" at the owner or operator's own major source.~~

d. Emission offsets are required for carbon monoxide (CO) in carbon monoxide non-attainment areas.

e. Emission offsets for any regulated air contaminant in the designated non-attainment area shall provide for reasonable further progress toward attainment of the applicable national ambient air quality standards and provide a positive net air quality benefit in the affected area.

f. At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this rule shall apply to the source of modification as though construction had not yet commenced on the source or modification.

ITEM 7. Amend subrule 567--22.5(3) as follows:

22.5(3) Emission offsets. ~~Proposals for emission offsets or a demonstration that offsets are not reasonably available~~ shall be submitted with the application for a permit for the major source or major modification. All approved emission offsets shall be made a part of the permit and shall be deemed a condition of expected performance of the major source or major modification.

ITEM 8. Amend paragraph 567--22.5(4)"b" as follows:

b. Offset ratio. The ratio of emission offsets to the new emissions of a major source or major modification that affects a ~~primary standard~~ non-attainment area is at least greater than 1.25:1; that is for every ton of new ~~particulate~~ emissions, there shall be more than 1 at least ~~1.25~~ tons of ~~particulate~~ emission offsets. ~~For a major source or major modification that affects an area other than a primary particulate standard non-attainment area, the ratio must be greater than 1:1.~~

ITEM 9. Amend subrule 567--22.5(7) as follows:

22.5(7) Compliance of existing sources. If a new major source or major modification is subject to ~~subrule 22.5(6)~~ rule 22.5, then all major sources owned or operated by the applicant (or by any entity controlling, controlled by, or under common control by the applicant) in Iowa shall be either in compliance with applicable emission standards or under a compliance schedule approved by the commission.

ITEM 10. Amend subrule 23.1(2), introductory paragraph, as follows:

23.1(2) New source performance standards. The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or corrected through August 31, 1993, February 3, 1994, are adopted by reference, except 60.530 through 60.539b, and shall apply to the following affected facilities. The corresponding 40 CFR Part 60 subpart designation is in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities.

Further amend subrule 23.1(2) by adding the following new paragraph:

qqq. VOC emissions from synthetic organic chemical manufacturing industry reactor processes. Unless exempted, each affected facility that is part of a process unit that produces any of the chemicals listed in 40 CFR 707 as a product, co-product, by-product, or intermediate for which construction, modification, or reconstruction commenced after June 29, 1990. Affected facility is each reactor process not discharging its vent stream into a recovery system, each combination of a reactor process and the recovery system into which its vent stream is discharged, or each combination of two or more reactor processes and the common recovery system into which their vent streams are discharged. (Subpart RRR)

Mr. Stokes briefly explained the rules.

Motion was made by Richard Hartsuck to approve Notice of Intended Action--Chapter 20, 21, 22, and 23, Air Quality Rule Update. Seconded by Charlotte Mohr.

Brief discussion followed pertaining to new Section b., on page 3, and modeling.

Rozanne King asked that a copy of the EPA language pertaining to this section be sent to her.

Vote on Commissioner Hartsuck's motion carried unanimously.

APPROVED AS PRESENTED

STATE REVOLVING FUND - INTENDED USE PLAN, FY 94

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Approval is requested to hold a hearing on the proposed State Revolving Fund (SRF) Intended Use Plan for Fiscal Year 1994. A proposed Intended Use Plan (IUP) was presented to the Commission at its April meeting for information purposes.

A public hearing is required by the Environmental Protection Agency for any Intended Use Plan submitted as part of an application for federal grant assistance for the state's SRF program. An IUP presents the plan for the use of funds in the SRF and a list of projects projected to receive loan assistance for construction of wastewater treatment facilities. The proposed IUP is compiled according to state rule IAC 567--92. As described in the IUP, a state bond issue provides a match (20% of the federal capitalization grant amount). The list of projects in the IUP is the State's project priority list. These projects are eligible to receive loan assistance. All cities that have submitted applications are listed since the available SRF funds are adequate to fund them. This will be the sixth year of the SRF program.

The list of projects in the attached IUP is revised from the list in the April proposal. One additional application (Ankeny) was received and has been included. The Graettinger project had been listed for a supplemental loan on the 1994 list since the funds earmarked for them in 1992 was no sufficient to meet their needs. However, another 1992 recipient did not need all funds earmarked for its' project which left enough 1992 loan assistance for Graettinger's needs. The list of 1994 projects on Chart 1 Part 5 has also been revised to reflect final priority ratings.

**STATE REVOLVING FUND INTENDED USE PLAN
FOR THE STATE OF IOWA
FISCAL YEAR 1994**

Submitted to the
U.S. Environmental Protection Agency
Region 7

By the
Iowa Department of Natural Resources

April 1994

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I. INTRODUCTION

The State of Iowa herewith submits its Intended Use Plan (IUP) for all funds available in the State Revolving Fund (SRF) during Fiscal Year (FY) 1994. This plan is based on receiving a capitalization grant from the FY 1994 Title VI funds appropriated by the U.S. Congress for the Iowa State Revolving Fund. In addition, the FY 1994 SRF will include the State's required 20% match for this grant. These funds will be added to the SRF funds provided in FY 1989, 1990, 1991, 1992 and 1993.

II. SRF FUNDS

This Intended Use Plan is based upon federal funds available for FY 1994 by Congressional appropriation. The Clean Water Act authorized program funding at \$1.2 billion nationally for each of 1989 and 1990, \$2.4 billion for FY 1991, \$1.8 billion for FY 1992, 1.2 billion for FY 1993 and 0.6 billion for FY 1994. The actual FY 1994 appropriation was over \$1.2 billion. With this appropriation the FY 1994 Title VI allotment for Iowa is \$16,304,000 of which 16,140,960 would be available for the SRF. This Intended Use Plan will project the maximum capitalization grant of \$16,140,960 to Iowa in FY 1994. The 20% state match of \$3,228,192 and the capitalization grant funds will provide an addition of \$19,369,152 to the SRF for FY 1994.

III. LIST OF PROJECTS

The management of the state's revolving fund loan program including the development of a priority list of projects for loan assistance has been proposed according to DNR rules 567--92 (455B). With added FY 1994 funds, it is Iowa's intention to make SRF loan funds available to one FY 1990 project, two FY 1991 projects, nine FY 1992 projects, eighteen FY 1993 projects, and thirteen new FY 1994 projects as well as fund the administration of the SRF program. There is no intention to fund (Section 319) nonpoint source projects or (Section 320) estuarine projects in FY 1993 as permitted by Title VI of the Clean Water Act. No projects for municipalities which appear on the National Municipal Policy (NMP) List have been placed on the Loan List for proposed loan assistance to meet "first use" requirements of the Clean Water Act. Projects identified for assistance from FY 1990, 1991, 1992, 1993, and 1994 funds are shown in Chart 1 Parts 1, 2, 3, 4, and 5.

There were no FY 94 applications submitted by the July 1, 1993 deadline in DNR rules. Therefore, all applications received after July 1, 1993 are included on Chart 1 Part 5. Applications submitted through the date of the public hearing on this Intended Use Plan will also be considered for inclusion on the list of recipients for FY 1994 loan assistance subject to funds available in the SRF. Charts 1 and 2 are the State's project priority list.

Applicants will be offered loan assistance subject to meeting program requirements.

The state expects to apply for a capitalization grant and issue bonds to fund the proposed loan projects and related administrative costs. Applications received for FY 94 total more loan funds than the FY 1994 capitalization grant and state match can provide. It is the intent of this plan to fund all applicants by using available funds within the SRF as well as the FY 1994 grant and state match. One applicant will be limited to the maximum loan of 60% of the loan funds available for FY 1994.

Based on the environmental reviews that have been conducted on the proposed Section 212 projects to date, it is not anticipated that any of these projects will need to undergo development of an Environmental Impact Statement (EIS).

Priority Projects

The Clean Water Act requires that the capitalization grant and the state match funds are first to be used to assure maintenance of progress toward compliance with enforceable deadlines, goals and requirements of the Act, including the municipal compliance deadline. EPA has determined that this first-use has been met when all municipalities on the NMP list are in compliance, on an enforceable schedule, have an enforcement action filed, or have a funding commitment by the end of the year covered by the IUP. This is a onetime determination.

An analysis made of Iowa's NMP municipalities in FY 1989 determined that all have met one of the above criteria. Therefore, Iowa assures maintenance of progress toward compliance with enforceable deadlines, goals, and requirements of the Clean Water Act as expected by Title VI.

To determine which wastewater treatment facility projects should be funded by the SRF, the FY 1994 Project Priority List (PPL) was prepared under state rule IAC 567--91, and ranks in priority order projects expected to be able to take advantage of SRF funds within the time frame allowed by state rule IAC 567--92 for FY 1993. Chart 1, Parts 1, 2, 3, 4, and 5 and Chart 2 are the FY 1994 Project Priority List. There are thirteen projects identified for loan assistance for FY 1994, in addition to thirty-one identified for FY 1990, 1991, 1992, and 1993 that did not actually receive loan agreements prior to the start of FY 1994. These projects appear on Chart 1 by fiscal year in the order of their ranking as described above. No nonpoint source projects (Section 319) or estuarine projects (Section 320) have been proposed for funding from the SRF.

In the event that projects identified for funding in the IUP do not attain readiness for a loan commitment by August 31, 1994, these delayed projects may be bypassed. Other projects may be added to a contingency list (Chart 2) to be funded based on the state's implementing rules for the SRF program (see IAC 567-92). Consideration of the by-pass projects will occur in August of 1994 by the Department of Natural Resources.

This IUP may be amended as allowed by DNR rules and Section VII of this plan. Should applications be received in excess of available SRF assistance, the lower priority projects will be placed on the Contingency List (Chart 2).

Funds reserved for administration costs of the SRF program are shown in Chart 1, Part 6. A reserve for water quality management planning as required by Title VI of the Clean Water Act will be set aside from Iowa's FY 1994 Title VI allotment and granted to the state for this purpose separately from the SRF. This reserve does not appear in this IUP and has already been taken into account in projecting Iowa's capitalization grants for FY 1994.

IV. LONG-TERM AND SHORT-TERM GOAL STATEMENTS

A. Long-Term Goals

1. Protect the environment, and public health and welfare by ensuring state water quality standards are achieved and maintained; and that waters of the state are not degraded by improperly or inadequately treated municipal wastewaters, or nonpoint pollution sources.
2. Establish a perpetual program to provide financial assistance to communities for the purpose of constructing facilities to properly and adequately treat municipal wastewaters, or abate and control nonpoint pollution sources.
3. Provide a financial assistance program, in the form of loans, which are competitive with private financing options available to communities while assuring the perpetual nature of the program.
4. Allocate financial assistance in a priority manner based upon water quality impacts of the proposed projects.
5. Establish program requirements which are simple, understandable, applicable to all projects, and to the fullest extent possible are not burdensome to the recipients of assistance.
6. Establish mechanisms for funding the on-going administration of the program once federal funding stops.

B. Short-term Goals (to be implemented in FY 1994)

1. Administer the State Revolving Loan Program consistent with federal statute, regulation and guidance; and in accordance with state law and promulgated rules.
2. Commit loan funds to fully fund as many communities as possible in accordance with the state priority rating system, this Intended Use Plan, and available funding in order to assist in the construction of the highest water quality impact projects.
3. Commit 120% of federal capitalization grant funding available this federal fiscal year.
4. Provide state funds through bonding in the amount required to provide the 20% match for available federal allotments in FY 1994.

V. INFORMATION ON THE SRF ACTIVITIES TO BE SUPPORTED

A. Allocation of Funds

Allocation of funds to eligible projects was based on a three-step process:

The amount of financial assistance needed for each application was estimated;

The sources and spending limits for all FY 1994 SRF funds were identified; and

The SRF funds were allocated among the projects, consistent with the amount available and the financial assistance needed.

Information pertinent to each SRF project is contained in Chart 1, pursuant to Section 606(c)(3) of the CWA.

B. SRF Policies

. Loan Interest Rate

The interest rate for all loans made from the SRF in FY 1994 will be determined in accordance with state rules and based upon the State's costs for generating

required matching funds via bonding (see IAC 567--92.11). Interest rates for projects identified for different fiscal years may vary.

C. Administrative Costs of the SRF

Iowa intends to use SRF funds equivalent to 4% of the Federal capitalization grant funds to pay the costs of administering the State Revolving Fund loan program. Based on Iowa's FY 1994 allotment, the state would have \$645,638 available from the FY 1994 SRF grant for administration support for operating the SRF program should the State receive a capitalization grant for the full allotment. A commitment of \$510,626 from FY 1989 funds, \$528,177 from FY 1990 funds, \$1,062,966 from FY 1991 funds, \$1,026,000 from FY 1992 funds and \$1,114,469 from FY 1993 funds has already been made.

The annual budget for program administration may be less than the 4% allowed by the Clean Water Act for administrative costs. Unused commitments are reserved for use in future years as necessary.

VI. ASSURANCES AND SPECIFIC PROPOSALS

Iowa will provide the necessary assurances and certifications as part of an Operating Agreement between the State of Iowa and the U.S. EPA. Iowa's Operating Agreement includes the requirements of the following sections of the law:

- 602(a) - Environmental Reviews
The State of Iowa will conduct environmental reviews as specified in the Project Review Procedures attached to the Operating Agreement.
- 602(b)(3) - Binding Commitments
The State of Iowa will enter into binding commitments for 120% of each quarterly payment within 1 year of receipt of that payment.
- 602(b)(4) - Expeditious and Timely Expenditures
The State of Iowa will expend all funds in the SRF in a timely and expeditious manner.
- 602(b)(5) - First Use for Enforceable Requirements
The State of Iowa will assure maintenance of progress toward enforceable deadlines, goals and requirements of the CWA, including the municipal compliance deadline. Maintenance of progress is defined in EPA guidance for the SRF program.
- 602(b)(6) - Compliance with Title II Requirements

The State of Iowa agrees to meet the specific statutory requirements for public owned wastewater projects constructed in whole or in part before FY 1995 with funds directly made available by Federal capitalization grants.

Iowa will meet equivalency requirements using Title II procedures, as included in the State's Construction Grant Delegation Agreement with EPA. State rules require that all Section 212 projects funded under Title VI of the Clean Water Act will meet the Title II requirements specified in Title VI.

VII. CRITERIA AND METHOD FOR DISTRIBUTION OF FUNDS

The following approach was used to develop Iowa's proposed distribution of SRF funds: (1) analysis of the priority of communities applying and financial assistance needed; (2) identification of the sources and spending limits of available funds; (3) allocation of funds among projects; (4) development of a payment schedule which will provide for making timely binding commitments to the projects selected for SRF assistance; and (5) development of a disbursement schedule to pay the project costs as incurred.

A. Priority of Communities and Financial Assistance Needed

Iowa law provides only for loan assistance. The state's SRF rules identify the priority rating system used to establish priorities for loan assistance. Charts 1 and 2 become the state's Project Priority List.

Projects are considered only for loan financing assistance for project costs incurred after the date of an Intended Use Plan which contains the project on a list approved for SRF assistance.

B. Allocation of Funds Among Projects

Once the total amount of funds and spending limits were identified, Chart 3 was prepared showing the amount needed by quarter to meet the binding commitment of each project. These amounts were summarized by quarter and the totals are shown at the bottom of the columns. Projections are shown for the state fiscal year (July 1 through June 30).

Since it was not necessary to provide loan funding to any project to meet the federal "first use" requirement, all projects listed in Chart 1 may be funded from the SRF.

All projects scheduled for funding with Iowa's SRF will be reviewed for consistency with appropriate plans developed under sections 205(j), 208, 303(e), 319 and 320 of the Clean Water Act, as amended. Evidence of this review and

finding of consistency will be documented in each SRF project file. Should a project fail to meet this review criteria it may be bypassed as allowed by State rules. Chart 2 provides for contingency projects which may be considered for loan assistance as bypass projects according to state rules without formal amendment of this intended use plan. Projects may be added to Chart 2 in priority order as applications are received.

VIII. METHOD OF AMENDMENT OF THE INTENDED USE PLAN

This intended use plan will be followed by the State in administering SRF funds in FY 1994. Public participation in the development of the IUP is required by EPA. Any revisions of the goals, policies and method of distribution of funds, including the list of loan projects, must be addressed by a revision of the IUP including opportunity for public participation. Minor adjustments in funding schedules, loan amounts and use of bypass provisions including funding of projects on the contingency list are allowed by the procedures of this IUP and state rules for administration of the SRF without public notification.

IX. PUBLIC REVIEW AND COMMENT

A public meeting will be held to allow input into Iowa's proposed FY 1994 Intended Use Plan. The announcement will appear in the Des Moines Register, a newspaper of statewide circulation. The notice will also be mailed directly to all cities, counties, sanitary districts, consulting engineers, city engineers, councils of governments area planning agencies, and groups which might have an interest.

Chart 1: FY 94 Intended Use Plan Project - Specific Information

Chart 1 Part 1: FY 90 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirement			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		CBOD	TSS	Other					
Carlisle	192016-01	25	80		II	1,048	10/93	7/94	11/95

Part 1 Total:

1,048

Chart 1 Part 2: FY 91 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirement			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		CBOD	TSS	Other					
Perry	192008-01	25	30	2.9 NH3	I	3,339	11/93	7/93	2/95
Clinton	192042-01	25	30	2.3 NH3	I	2,755	11/93	2/93	2/94

Part 2 Total:

6,094

Chart 1 Part 3: FY 92 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirement			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		CBOD	TSS	Other					
Coralville	192034-02	25	30		IVB	2,645	11/93	9/92	4/93
Oscola	192048-01	25	30	6.8 NH3	III, IVB	1,880	4/94	11/93	10/94
Denmark S.S.D.	192044-01	25	30		I, IVA	500	10/93	8/93	11/94
Carlisle	192016-02	25	80		I	1,036	10/93	12/92	11/95
Gracettinger	192056-01	25	80		I	375	6/94	9/94	2/95
Oskaloosa	192007-03	11	30		II	1,515	9/92	11/92	11/93
Tama	192059-01	25	30	2.9 NH3	II	1,828	10/93	10/93	12/94
Ankeny 02	192030-02	25	30	7.9 NH3	IVB	872	4/94	5/94	6/95
Ankeny 02	192030-03	25	30		IVB	913	4/94	5/94	6/95
Wayland 02	192064-02	25	80		I	66	5/94	5/94	12/94

Part 3 Total:

11,564

Chart 1 Part 4: FY93 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirement			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		CBOD	TSS	Other					
Des Moines 04	192001-04	25	30	5.5 NH3	IVB	3,937	8/93	8/93	12/93
Des Moines 05	192001-05	25	30	5.5 NH3	IVB	5,387	8/93	8/93	12/93
W. Des Moines	192060-01	25	30	5.5 NH3	IVB	4,758	8/93	8/93	12/93
MacBride S.D.	192061-01	25	80	8.7 NH3	I	150	5/94	5/94	11/94
Farragut	192045-01	25	80		I, IVB	200	7/93	10/93	5/94
Sioux Center	192062-01	25	30	3.5 NH3	II	1,140	4/95	7/95	7/96
Wayland 01	192064-01	25	80		I	200	5/94	5/94	12/94
Afton	192053-01	25	80		IVA	195	2/94	4/94	10/94
Tabor	192065-01	25	80		I, IVA	1,000	5/94	8/94	10/95
Clear Lake S.D.	192066-01	25	30	2.7 NH3	II, IVA	4,500	8/94	11/94	3/96
Ottumwa 02	192055-01	4	30	1.0 NH3	II	3,966	3/94	3/94	6/95
Urbandale SSD	192067-01	25	30	5.5 NH3	IVB	3,400	9/94	10/94	7/95
Maquoketa	192068-01	25	30		II	1,846	5/94	7/94	6/95
Montour	192069-01	25	80		II	149	8/94	3/95	8/95
Lake Park	192070-01	25	80		II	308	8/94	10/94	12/95
Sioux City	192071-01	25	30	0.1 TRC	IVB	1,422	7/94	9/94	9/95
Sully	192072-01	25	80	4.8 NH3	II	607	5/95	6/95	12/95
Minburn	192073-01	25	80		V	496	5/94	6/94	1/95

33,661

Part 4 Total:

Chart 1 Part 5: FY94 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirement		Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		CBOD	TSS					
Des Moines 06	192001-06	25	30	II	11,234	3/95	3/95	3/96
Aukeny 03	192030-03	25	30	IVB	850	5/94	5/94	
Sioux Center 02	192062-01	25	30	II	1,024	4/94	7/95	7/96
Minburn 02	192073-02	25	30	IVB	126	5/94	6/94	1/95
Creston	192080-01	25	30	I	2,061	7/95	6/96	7/97
Kalona	192075-01	25	80	IVB	590	1/95	3/95	3/96
Clarence	192084-01	25	80	I	477	1/95	4/96	4/96
West Point	192079-01	25	80	II	665	12/94	5/95	10/95
Nevada	192076-01	25	30	IVB	1,114	5/94	12/93	9/94
Dysart	192083-01	25	80	IVB	384	1/95	4/96	4/96
Oxford	192078-01	25	30	II	266	1/95	7/95	1/96
Armstrong	192074-01	25	80	III A	631	10/94	5/95	5/95
Maynard	192085-01	25	80	I	607	1/95	4/96	4/96

Part 5 Total

20,029

Chart 1 Part 6: Section 603(d)(7) Program Administration

Project Name Community Served	Project Number	Discharge Requirement		Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		CBOD	TSS					
PGM - ADM (93)		NA	NA	NA	1,114	6/93	NA	NA
PGM - ADM (94)		NA	NA	NA	287	10/94	NA	NA

Part 6 Total:

1,401

FY GRAND TOTAL:

73,797

Key to Need Categories

- I Secondary Treatment
- II Treatment more stringent than secondary
- III A Infiltration/Inflow rehabilitation
- III B Major sewer system rehabilitation
- IV A New collectors and appurtenances
- IV B New interceptors and appurtenances
- V Correction of combined sewers

Chart 2: FY 93 Intended Use Plan Contingency Projects - Specific Information

Project Name Community Served	Project Number	Discharge Requirement			Need Categories	Assistant Amount (\$1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		CBOD	TSS	Other					
Des Moines 06	192001-07	25	30	5.5NH3	II	5,166	3/95	3/95	3/96

Key to Need Categories

- I Secondary Treatment
- II Treatment more stringent than secondary
- IIIA Infiltration/Inflow rehabilitation
- IIIB Major sewer system rehabilitation
- IVA New collectors and appurtenances
- IVB New interceptors and appurtenances
- V Correction of combined sewers

Mr. Stokes stated that this plan slightly differs from the one presented last month and he explained the differences. He asked the Commission's approval to take the SRF-IUP out to public hearing.

Motion was made by Rozanne King to approve a public hearing for the State Revolving Fund - Intended Use Plan for FY 94. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Giese Construction Company, Inc. (Ft. Dodge) (tabled item)
- b. City of Carter Lake - drinking water

Giese Construction Company, Inc.

Mr. Murphy reviewed that this case was previously tabled by the Commission and will need to be removed from the table.

Motion was made by Charlotte Mohr to remove the Giese Construction Company, Inc. referral from the table. Seconded by Clark Yeager. Motion carried unanimously.

REMOVED FROM TABLE

Mr. Murphy stated that this case involves the construction of levees without a permit, and discharges of wastewater which violated water quality standards. He reviewed that two months ago the Commission delayed referral for 60 days to allow Mr. Giese to do what was required. Mr. Murphy reported that Mr. Giese completed his permit application, but one of the levees was too close to the river and he would be required to move it back 136 feet. He related that Mr. Guise was issued a conditional permit that required him to move the levee back by June 30.

Mr. Murphy noted that staff recently received a request from Mr. Giese that he be given until August 15 to finish moving the levee back.

Gary Priebe stated that if Mr. Giese has a permit to complete the work by June 30 he should be allowed until then to comply. He added that he would not refer until after that date.

Rozanne King commented that Mr. Giese would know by the time of the June meeting whether or not he will meet the deadline.

Motion was made by Gary Priebe to table the Giese Construction Company, Inc. referral until July. Seconded by Kathryn Murphy.

William Ehm stated that he realizes the summer floods were devastating but he would be willing to refer it now. He related that the levee was constructed in March 1993, before the floods occurred. He noted that the Commission is being very lenient in this case, adding that many times the Commission is not anywhere near this lenient.

Vote on Commissioner Priebe's motion carried unanimously.

TABLED UNTIL JULY

City of Carter Lake

Mr. Murphy reviewed that this was deleted from last month's agenda because the city attorney had contacted the department and staff thought it could be resolved administratively. He related that there has been no meaningful communication since that time and the city was informed that it would be on the agenda today. Mr. Murphy stated that the city has complied with some aspects of the Order. The remaining issue is the \$1700 penalty which they did not timely appeal.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Richard Hartsuck. Motion carried unanimously.

REFERRED

GENERAL DISCUSSION

William Ehm, on behalf of the Commission, presented Richard Hartsuck with a plaque in appreciation for his work, leadership and dedication to the Commission.

Director Wilson, on behalf of the staff, presented Richard Hartsuck with a commemorative issue of "A Sand County Almanac" along with two books about Ding Darling prints.

Commissioner Hartsuck thanked the Director, Commission and staff and expressed his pleasure in serving on the Commission and working with them.

ADDRESS ITEMS FOR NEXT MEETING

Status of Legislation

Dave Sheridan - Penalties and Compliance Report

Clark Yeager stated that he gave the Director a brochure from SCS on flood/levee repair and asked that each Commissioner be given a copy, then have Mr. Wilson address how the DNR will interact with the repair work.

Gary Priebe stated that he received an anonymous phone call from Vinton, Iowa stating that Rosebar has tires piled as high as possible and that there are no fire lanes. He related that he would like a report on Rosebar next month.

Mr. Stokes commented that staff have been out to Rosebar with some frequency lately and they are working very hard to get into compliance, and fire lanes have been completed. He added that Rosebar is still within their permit conditions as to the number of tires.

NEXT MEETING DATES


June 20, 1994

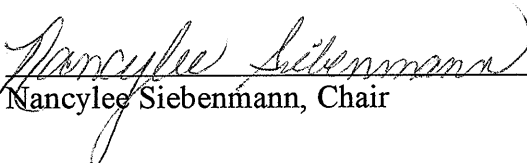
July 18, 1994

August 15, 1994

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Siebenmann adjourned the meeting at noon, Monday, May 16, 1994.


Larry J. Wilson, Director


Nancy Lee Siebenmann, Chair

May 1994

Environmental Protection Commission Minutes

Rozanne King
Rozanne King, Secretary

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